

SYNOPSIS OF THE CASE

2017 MT 24, DA 15-0214: STATE OF MONTANA, Plaintiff and Appellee, v. **MARKUS HENDRIK KAARMA**, Defendant and Appellant.¹

The Montana Supreme Court has upheld the December 2014 deliberate homicide conviction of Markus Kaarma, who shot and killed foreign exchange student Diren Dede in Missoula, Montana.

Kaarma shot Dede after Dede entered Kaarma's garage in the early morning hours of April 27, 2014. Prosecutors argued that Kaarma set a trap for Dede after his garage had been burglarized more than once. Kaarma argued that he acted in self-defense. He also argued that the publicity surrounding the case prejudiced his right to have an unbiased jury in Missoula, and asked for a change of venue. The District Court denied Kaarma's motion for change of venue. The Missoula jury rejected Kaarma's claims of self-defense. Kaarma was sentenced to seventy years in the Montana State Prison, with a twenty-year parole restriction.

In his appeal to the Montana Supreme Court, Kaarma claimed the District Court gave incorrect instructions to the jury on justifiable use of force in defense of a person, and that the District Court should have granted the defendant's motions for a change of venue based on the extensive pretrial publicity in the Missoula area.

In a unanimous decision the Court found the District Court's decisions were not an abuse of discretion, holding that the jury instructions given were a full and fair instruction on the applicable law regarding self-defense in Montana. The Court also held that while the publicity surrounding the case had been extensive, it was not inflammatory or so prejudicial to Kaarma that a fair and impartial jury could not be found in Missoula County. The Court noted that the District Court, in refusing to find presumed prejudice, was in the best position possible to determine the nature and extent of prejudice against Kaarma in the community. Finally, the Court held that Kaarma did not show that the District Court's other challenged trial rulings warranted a new trial.

¹ This synopsis has been prepared for the convenience of the reader. It constitutes no part of the Opinion of the Court and may not be cited as precedent.