

DEFINITIONS

9. Plain Error

This Court may discretionarily review claimed errors that implicate a criminal defendant's constitutional rights, even if no contemporaneous objection is made, where failure to review the claimed error may result in a manifest miscarriage of justice, leave unsettled the question of the fundamental fairness of the trial or proceedings, or compromise the integrity of the judicial process. [State v. Finley](#), 276 Mont. 126, 137-38, 915 P.2d 208, 215 (1996) (overruled in part on other grounds by [State v. Gallagher](#), 2001 MT 39, ¶ 21, 304 Mont. 215, 19 P.3d 817). An appellant who claims plain error must identify a specific constitutional provision that has been violated. [State v. Whipple](#), 2001 MT 16, ¶ 33, 304 Mont. 118, 19 P.3d 228. The power of plain error review is inherent in the appellate process itself. [State v. Pizzichiello](#), 1999 MT 123, ¶ 9, 294 Mont. 436, 983 P.2d 888. Plain error review is used sparingly, on a case-by-case basis. [Finley](#), 276 Mont. at 138, 915 P.2d at 215. When the Court declines to exercise plain error review, it does not decide the merits of the claim. [State v. Haagensohn](#), 2010 MT 95, ¶ 10, 356 Mont. 177, 232 P.3d 367.