

**TETON COUNTY  
DISTRICT COURT MINUTES – HELD IN OPEN COURT  
Tuesday – February 5, 2019**

Court convened at 10:25 a.m.in the Teton County Court Room with the Honorable Judge Robert G. Olson presiding. Other officers of the Court present in the Teton County Court Room were Joe Coble, Teton County Attorney; Jennifer Stutz, Deputy Teton County Attorney; Keith VanSetten, Teton County Sheriff; Lisa Sinton, Clerk of Court and Kelsey McAlpine, Court Reporter.

<b>IN THE MATTER OF:</b>	)	
	)	<b>CAUSE NO. DJ-18-003</b>
<b>KYLEE RAPP,</b>	)	<b>MINUTE ENTRY:</b>
	)	<b>Omnibus Hearing</b>
<b>A Delinquent Youth.</b>	)	

This is the time and place set for an omnibus hearing with the Honorable Robert G. Olson presiding. The State of Montana was represented by Jennifer Stutz, Deputy Teton County Attorney. The youth was not present but was represented by her court-appointed attorney, Mr. Sam Harris.

Ms. Stutz presented an omnibus form that was completed by counsel to the Court for consideration. Once completed, the Order will be filed and provided to counsel.

DATED this 5<sup>th</sup> day of February 2019.

<b>STATE OF MONTANA,</b>	)	<b>CAUSE NO. DC-17-022</b>
<b>Plaintiff,</b>	)	<b>MINUTE ENTRY:</b>
<b>-vs-</b>	)	<b>Disposition Hearing</b>
<b>TAMMY LEE WATSON,</b>	)	<b>Continued</b>
<b>Defendant.</b>	)	

This is the time and place set for a disposition hearing on the Petition filed by the State of Montana. This hearing was held in open court in the Teton County Courtroom with the Honorable Robert G. Olson presiding. The State was represented by Ms. Jennifer Stutz, Deputy Teton County Attorney. The Defendant was not present but was represented by her court-appointed attorney, Ms. Roberta Cross Guns.

Ms. Watson is currently incarcerated in Lewis and Clark County and is close to accepting an agreement. Ms. Cross Guns agreed.

The Court reset this Disposition Hearing to March 12, 2019 at 10:00 a.m.

DATED this 5<sup>th</sup> day of February 2019.

<b>STATE OF MONTANA,</b>	)	
<b>Plaintiff,</b>	)	<b>CAUSE NO. DC-19-001</b>
<b>-vs-</b>	)	<b>MINUTE ENTRY:</b>
<b>GERALD DANNER FREEMAN,</b>	)	<b>Initial Appearance</b>
<b>Defendant.</b>	)	<b>Continued</b>

This is the time and place set for an initial appearance with the Honorable Robert G. Olson presiding. This hearing was held in open court in the Teton County Courtroom. Appearing for the Plaintiff was Ms. Jennifer Stutz, Deputy Teton County Attorney. The Defendant was not present but was represented by his court-appointed attorney Ms. Roberta Cross Guns.

Ms. Cross Guns stated she spoke with her client yesterday and he is not able to find transportation to attend this hearing. The Defendant authorized her to enter a plea of not guilty to the charges.

Since the Court cannot advise the Defendant of his rights because he is not present, Judge Olson continued this initial appearance to Thursday, February 7, 2019, at 10:00 a.m. to be heard in the Toole County Courtroom. The Defendant resides in Shelby, Montana.

DATED this 5<sup>th</sup> day of February 2019.

<b>STATE OF MONTANA,</b>	)	
<b>Plaintiff,</b>	)	<b>CAUSE NO. DC-18-026</b>
<b>-vs-</b>	)	<b>MINUTE ENTRY:</b>
<b>CODY ANN CARAVEO,</b>	)	<b>Arrestment</b>
<b>Defendant.</b>	)	

This is the date and time set for an entry of plea to the criminal charges with the Honorable Robert G. Olson presiding. The State of Montana was represented by Mr. Joe Coble, Teton County Attorney. The Defendant was present with her court-appointed attorney, Mr. Sam Harris.

The Court summarized the actions taken thus far in this matter.

The Defendant stated her name was Cody Caraveo. The Court explained that she was advised of her rights on January 22, 2019; she stated she understood her rights and there was no need to go through her rights again.

With respect to Count I, Theft by Accountability, a felony, the Defendant entered a plea of not guilty.

With respect to Count II, Theft, a misdemeanor, the Defendant entered a plea of not guilty.

The Court noted her not guilty pleas and set an Omnibus Hearing for March 12, 2019, at 10:00 a.m. If counsel completes the omnibus form prior to the hearing, the hearing will be vacated.

Mr. Harris was given a copy of the Defendant's release conditions.

DATED this 5<sup>th</sup> day of February 2019.

<b>STATE OF MONTANA,</b>	)	<b>CAUSE NO. DC-18-005</b>
<b>Plaintiff,</b>	)	<b>MINUTE ENTRY:</b>
<b>-vs-</b>	)	<b>Status Hearing – Jury Trial</b>
<b>RICHARD KEITH STRAWN,</b>	)	<b>Vacated</b>
<b>Defendant.</b>	)	<b>CAUSE NO. DC-19-002</b>
	)	<b>Initial Appearance</b>

This is the time and place set for a status hearing. The Honorable Robert G. Olson presided over this hearing, which was held in the Teton County Courtroom. Appearing for the State of Montana was Mr. Joe Coble, Teton County Attorney. The Defendant appeared with his appointed attorney, Ms. Shari Lennon.

Mr. Coble presented a negotiated Plea Agreement for the Court's consideration. The Court noted that the Plea Agreement had a cause number of DC-19-002 on it and he does not have a file for this matter. The clerk stated no paperwork has been received for DC-19-002.

Mr. Coble asked the Court to give the Defendant an initial appearance and arraignment on DC-19-002. It is anticipated he will plea "guilty" on the charge stated in DC-19-002 and the State will ask the Court to set a sentencing date.

The Defendant stated his name was Richard Keith Strawn. He has not had any alcohol or taken any medication that would affect his judgment or understanding of these proceedings.

The County Attorney stated the charges in DC-19-002 were Tampering with Witnesses, alternative counts.

Upon advice of counsel, the Defendant waived the reading of the Information in open court.

The Defendant was advised the maximum penalties associated with the charge.

The Defendant was advised of his rights; he understood his rights.

Shari Lennon has not yet been appointed to represent the Defendant, but she assumed that since she was appointed to represent him in DC-18-015, she would be appointed in this matter as well.

Under advice of counsel, the Defendant entered a plea of "no contest" to Count I, Tampering with Witnesses, a felony.

The Court accepted his "no contest" plea and the Court advised the Defendant that he now stands convicted of Count I, Tampering with Witnesses, a felony.

Sentencing was set for March 26, 2019, at 10:00 a.m.

A pre-sentence investigation report was ordered.

The Court vacated the trial date set in DC-18-015. The Plea Agreement in DC-19-002 indicates that the charges listed in DC-18-015 will be dismissed by the Court.

The Court advised the Defendant that he was still under probation under DC-18-015 and the conditions that apply in DC-18-015 apply as well in DC-19-002. Ms. Lennon stated he is also under conditions out of Cascade County and is being supervised by Ms. Jen Gold.

DATED this 5<sup>th</sup> day of February 2019.

<b>STATE OF MONTANA,</b>	)	
<b>Plaintiff,</b>	)	<b>CAUSE NO. DC-18-016</b>
<b>-vs-</b>	)	<b>MINUTE ENTRY:</b>
<b>KELLY ANNE SKELTON,</b>	)	<b>Status Hearing</b>
<b>Defendant.</b>	)	

This is the time and place set for a status hearing. The Honorable Robert G. Olson presided over this hearing, which was held in the Teton County Courtroom. Appearing for the State of Montana was Mr. Joe Coble, Teton County Attorney. The Defendant appeared without the benefit of counsel from the Cascade County Detention Center.

Mr. Coble presented a summary of this matter. The course of action that should be taken is that the Court could order the OPD to represent her.

The Court advised the Defendant that she should be represented by counsel. Since she does not have the money to hire counsel, the Court will order OPD find counsel to represent her.

It is the State's opinion that as soon as counsel is appointed to represent Ms. Skelton, Mr. Coble would not object to an own-recognizance release with conditions.

The County Attorney is to provide an Order for the Court to Appoint the Office of Public Defender to represent her. The Order should indicate that as soon as an attorney is appointed, the Court will sign an Order for her Own-Recognizance Release and to follow the standard rules and conditions for her release.

Once released, the Defendant will reside with her uncle, Ray Wells, at 2401 ½ 4<sup>th</sup> Avenue South in Great Falls, Montana.

The Court set another status hearing for Tuesday, March 12, 2019, at 10:00 a.m. and stated if she did not appear at this hearing, a warrant of arrest will be issued. An attorney will be appointed to represent her by this hearing.

DATED this 5<sup>th</sup> day of February 2019.

<b>STATE OF MONTANA,</b>	)	
<b>Plaintiff,</b>	)	<b>CAUSE NO. DC-18-025</b>
<b>-vs-</b>	)	<b>MINUTE ENTRY:</b>
<b>ALLEN DAVID ROBERTS,</b>	)	<b>Arrestment</b>
<b>Defendant.</b>	)	

This is the time and place set for the Defendant to enter his plea in open court. The Honorable Robert G. Olson presided over this hearing, which was held in the Teton County Courtroom. Appearing for the State of Montana was Mr. Joe Coble, Teton County Attorney. The Defendant was not present but was represented by his court-appointed attorney, Ms. Roberta Cross Guns.

Ms. Cross Guns stated she has a conflict of interest and cannot represent Mr. Roberts. The OPD is currently working on appointing another attorney to represent him.

This matter was continued to March 12, 2019, at 10:00 a.m.

DATED this 5<sup>th</sup> day of February 2019.

<b>STATE OF MONTANA,</b>	)	
<b>Plaintiff,</b>	)	<b>CAUSE NO. DC-18-009</b>
<b>-vs-</b>	)	<b>MINUTE ENTRY:</b>
<b>LUKE DANIEL STYREN,</b>	)	<b>Sentencing</b>
<b>Defendant.</b>	)	

This is the time and place set for sentencing of the Defendant, Luke Daniel Styren. This hearing was held in open court in the Teton County Courtroom with the Honorable Robert G. Olson presiding. Appearing for the State of Montana was Ms. Jennifer Stutz, Deputy Teton County Attorney. The Defendant was present with his court-appointed attorney, Mr. Sam Harris.

The parties were prepared to proceed with sentencing.

No witnesses were called on behalf of either party.

The State presented their recommendation in that the Court approve the Plea Agreement on file and approve the recommendation of the author of the Pre-Sentence Investigation. There is a joint recommendation of a five-year suspended sentence to MT DOC for Count I, all time suspended. Three-year suspended sentence to Count II, with Count II to run consecutive to Count I. The Defendant is to follow the normal rules of probation and parole and complete the Veteran's Treatment Court out of Cascade County.

Mr. Harris agreed with the State's recommendation and stated the Defendant has been screened and accepted into the Veteran's Treatment Court. Mr. Harris added that the Defendant will excel in this program.

The Court finds the Plea Agreement is fair and appropriate disposition of this case.

Sentencing was held at this time. With respect to Count I, Criminal Possession of Dangerous Drugs, a felony, the Defendant was sentenced to five (5) years to the Montana Department of Corrections. The Court will give the Defendant credit for time served and will suspend the remainder of the time that is left. The Defendant shall be fined \$5,000 but the Court suspended \$4,000 of the fine. With respect to Count II, Possession of Explores, a felony, the Defendant was sentenced to three (3) years to the Montana Department of Corrections, with all time suspended. Count II is to run consecutive to Count I. The Defendant is ordered to pay the statutory surcharges for both felony counts for a total of \$150 in surcharges. The conditions of his suspended sentence are the conditions listed in the pre-sentence investigation.

Ms. Harris stated Judge Pinski often credits the cost of the participation in the Veteran's Treatment Court toward the fine. Judge Olson granted this request and allowed Judge Pinski to determine the amount to be credited toward his fine.

The reasons for the sentence are as follows: Joint recommendation of counsel, Plea Agreement, Pre-Sentence Investigation; and that the participation and completion of the Eighth Judicial District's Veteran's Treatment Court is a benefit.

The State moved to dismiss all the remaining counts. The Court granted the motion.

DATED this 5<sup>th</sup> day of February 2019.

<b>STATE OF MONTANA,</b>	)	<b>CAUSE NO. DC-18-014</b>
<b>Plaintiff,</b>	)	<b>MINUTE ENTRY:</b>
<b>-vs-</b>	)	<b>Change of Plea Hearing</b>
<b>SCOTT LANE MERRILL,</b>	)	<b>Changed to Show Cause</b>
<b>Defendant.</b>	)	<b>Hearing on Petition for Revocation</b>

This is the time and place set for a change of plea hearing to be held before the Honorable Robert G. Olson. This hearing was held in open court in the Teton County Courtroom with the Honorable Robert G. Olson presiding. The State was represented by Ms. Jennifer Stutz, Deputy Teton County Attorney. The Defendant was present and appeared with her appointed attorney, Ms. Roberta Cross Guns.

Ms. Stutz stated that this hearing was previously set as a change of plea, but the State filed a Petition to Revoke the Defendant's release based on new charges. We will not move forward with the change of plea.

The Defendant stated his name was Scott Merrill and he has not had any alcohol prior to coming to Court. He also has not taken any medication that would affect his judgment or understanding of these proceedings.

The Court reviewed the allegations stated within the Petition.

Ms. Cross Guns stated her client wishes to admit to the use of the meth and the alcohol. Bond was set at \$40,000 and the Court allowed Ms. Cross Guns to present argument for the reduction of bond. Ms. Cross Guns stated he cannot afford the \$40,000 bond. She asked the Court for the lowest possible amount of bond. The State objects to the reduction of bond as the Defendant has had continuous contact with the witness, based on his own admission. The State of concerned for the witness's safety.

The Court reduced bail to \$20,000 with the same conditions previously ordered.

If the parties reach an agreement, the Court will be available for a change of plea hearing next week.

The Defendant was remanded back to the custody of the Teton County Sheriff.

DATED this 5<sup>th</sup> day of February 2019.

**Court recessed from 10:58 to 11:17 a.m.**

<b>STATE OF MONTANA,</b>	)	
<b>Plaintiff,</b>	)	<b>CAUSE NO. DC-18-019</b>
<b>-vs-</b>	)	<b>MINUTE ENTRY:</b>
<b>LEON HIRUM WALL,</b>	)	<b>Sentencing</b>
<b>Defendant.</b>	)	

This is the time and place set for sentencing of the Defendant, Leon Hiram Wall. This hearing was held in open court in the Teton County Courtroom with the Honorable Robert G. Olson presiding. Appearing for the State of Montana was Ms. Jennifer Stutz, Deputy Teton County Attorney. The Defendant was present with his court-appointed attorney, Ms. Shari Lennon.

Ms. Stutz stated the parties are here without a written plea agreement, but the Defendant has plead guilty to the charges. A pre-sentence investigation was completed in 2016 and Ms. Stutz, Mr. Lennon and Ms. Gold, Adult Probation and Parole Officer, agreed to proceed to sentencing using this report. Ms. Stutz presented a copy of the PSI for the court file.

The parties are prepared to proceed.

No witnesses were called on behalf of either party.

The State recommended the Court to approve for Count I, a two-year Montana Department of Corrections commitment will all time suspended. This sentence is to run consecutive to his current sentence out of Ravalli County, DC-15-169. The State does not recommend a fine but requests the Defendant pay the statutory surcharges for a felony charge. With respect to Count II, Criminal Possession of Dangerous Drugs, a misdemeanor, the Sate recommends a \$500 fine with all \$500 suspended. With respect to Count III, Criminal Possession of Drug Paraphernalia, a misdemeanor, the State recommended a commitment of six (6) months in the Teton County Jail with all that time suspended. Count III is to run concurrent with his suspended sentence of Count I. During the term of this sentence, the Defendant is to remain out of Teton County.

Counsel for the Defendant agreed with the State's recommendation. These charges arose out of her client's cooperation to a probation search where he admitted to the conduct and told the officers where they could find the paraphernalia and drug residue. He has taken

responsibility of the charges without the promise of a written Plea Agreement. He is going to be revoked and will return to MSP and face the parole board.

The Court stated it is rare that a Defendant enters a plea of guilty without a Plea Agreement, but it shows the Court that he is ready to take responsibility for his conduct.

Sentencing was held at this time. With respect to Count I, Criminal Possession of Dangerous Drugs, a felony, the Defendant was sentenced to two (2) years to the Montana Department of Corrections, all time suspended. This sentence will run consecutive to Ravalli County DC-15-169. Credit will be granted for time served relative to this charge. The Defendant is required to pay the statutory surcharges of \$80. With respect to Count II, the Court ordered the Defendant to pay a \$500 and suspended that amount. With respect to Count III, Criminal Possession of Drug Paraphernalia, a misdemeanor, the Defendant was sentenced to six (6) months in the Teton County Jail with all that time suspended. Count III will run concurrently to Count I.

The standard conditions of probation and parole as set forth in the PSI dated 3-17-16 will apply. These conditions will be incorporated within the Judgment and Sentence, conditions 1 through 36.

Reasons for this sentence: joint recommendation of counsel, prior criminal record of being his third felony charge, credit for the fact that he took responsibility for his actions; and the sentence is just under the circumstances.

The Defendant was remanded to the Montana Department of Corrections.

DATED this 5<sup>th</sup> day of February 2019.

Court adjourned at 11:30 a.m.

The remaining portions of today's law and motion consisted of closed court hearings.

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Lisa J. Sinton, Clerk of Court