

**TETON COUNTY
DISTRICT COURT MINUTES – HELD IN OPEN COURT
Tuesday – April 9, 2019**

Court convened at 10:07 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 Jennifer Stutz, Deputy Teton County Attorney; Keith VanSetten, Teton County Sheriff; and Lisa Sinton, Clerk of Court. The hearings were court-reported by Ms. Kelsey McAlpine via Judicial Video Network from the Glacier County Courtroom.

STATE OF MONTANA,)	
Plaintiff,	)	CAUSE NO. DC-18-025
-vs-	)	MINUTE ENTRY:
ALLEN DAVID ROBERTS,	)	Omnibus Form Completed
Defendant.)	

This is the date and time set for an Omnibus Hearing with the Honorable Robert G. Olson presiding. This hearing was held in open court in the Teton County Courtroom. Ms. Jennifer Stutz appeared on behalf of the Plaintiff. The Defendant and his appointed counsel, Mr. LaFountain, were not present.

Ms. Stutz stated Mr. LaFountain appeared earlier at the Clerk’s Office and completed an omnibus form. This form is ready for completion by the Court.

DATED this 9th day of April 2019.

STATE OF MONTANA,)	
Plaintiff,	)	CAUSE NO. DC-19-004
-vs-	)	MINUTE ENTRY:
COLTER CAMPANIAN,	)	Hearings Reset for April 10th to
Defendant.	)	be Heard in Glacier County

This was the time and place set for a hearing on the Motion for Reduction of Bail as well as an Omnibus Hearing. This matter was to be heard by the Honorable Robert G. Olson and was held in open court in the Teton County Courtroom. Appearing for the Plaintiff was Ms. Jennifer Stutz, Deputy Teton County Attorney. The Defendant and attorney were not present.

Ms. Stutz stated since the Defendant has matters before the Court in Glacier County and in order for judicial economy, she moved the Court to continue the Teton County hearings to tomorrow to be combined with the Glacier County matters.

The Court granted her request.

DATED this 9th day of April 2019.

STATE OF MONTANA,)	
Plaintiff,	)	CAUSE NO. DC-19-006
-vs-	)	MINUTE ENTRY:
BAYLEE JO RUSSELL,	)	Arraignment to be Held in
Defendant.	)	Glacier County 4-10-2019

This was the time and place set for the entry of a plea to the charges on file herein. This hearing was to be held in open court in the Teton County Courtroom with the Honorable Robert G. Olson presiding. Appearing on behalf of the Plaintiff was Ms. Jennifer Stutz, Deputy Teton County Attorney. The Defendant and attorney were not present.

For judicial economy, this hearing was reset to be heard in Glacier County on April 10th.
DATED this 9th day of April 2019.

STATE OF MONTANA,)	
Plaintiff,	)	CAUSE NO. DC-19-007
-vs-	)	MINUTE ENTRY:
BAYLEE JO RUSSELL,	)	Arraignment to be Held in
Defendant.	)	Glacier County 4-10-2019

This was the time and place set for the entry of a plea to the charges on file herein. This hearing was held in open court in the Teton County Courtroom with the Honorable Robert G. Olson presiding. Appearing on behalf of the Plaintiff was Ms. Jennifer Stutz, Deputy Teton County Attorney. The Defendant was present with her court-appointed attorney Mr. Paul Neal.

In the interests of judicial economy, this hearing was reset to be heard in Glacier County on April 10th.

DATED this 9th day of April 2019.

STATE OF MONTANA,)	
Plaintiff,	)	CAUSE NO. DC-19-008
-vs-	)	MINUTE ENTRY:
BAYLEE JO RUSSELL,	)	Arraignment to be Held in
Defendant.	)	Glacier County 4-10-2019

This was the time and place set for the entry of a plea to the charges on file herein. This hearing was to be held in open court in the Teton County Courtroom with the Honorable Robert G. Olson presiding. Appearing on behalf of the Plaintiff was Ms. Jennifer Stutz, Deputy Teton County Attorney. The Defendant was present with her court-appointed attorney Mr. Paul Neal.

In the interests of judicial economy, this hearing was reset to be heard in Glacier County on April 10th.

DATED this 9th day of April 2019.

STATE OF MONTANA,)	
Plaintiff,	)	CAUSE NO. DC-16-019
-vs-	)	Minute Entry:
CHRISTOPHER JAMES CLAY, JR.,	)	Initial Appearance/Plea of
Defendant.	)	“Not Guilty” Entered

This is the date and time set for the initial appearance of the Defendant, Christopher James Clay, Jr. The State was represented by Ms. Jennifer Stutz, Deputy Teton County Attorney. The Defendant was represented by Ms. Roberta Cross Guns, public defender.

Ms. Stutz stated the Defendant was picked up on an Arrest Warrant issued in 2016.

The Defendant stated his full name is Christopher James Clay, Jr.; he is not under the influence of alcohol; he has not taken any medication that would affect his judgment, and he understands the meaning of this hearing.

The Court explained the process of the hearing.

The Defendant waived the reading of the Information in open court.

The Court advised the Defendant of the maximum penalty for the one charge.

The Court advised the Defendant of his rights; the Defendant stated he understood.

With respect to Count I of the Information, Theft by Deception, a felony, the Defendant entered a plea of "not guilty". The Court noted his plea for the record.

An Omnibus Hearing was set for April 23, 2019, at 10:00 and the Defendant was advised that he is not required by the Court to be present at this hearing.

With respect to bond, the Defendant is in jail on a warrant with a \$10,000 bond and Ms. Cross Guns requested an own-recognizance release with conditions set by the Court. The Defendant is not averse to wearing a SCRAM unit. Ms. Stutz stated the SCRAM unit is appropriate as she believes he lives in Kalispell and is not a flight risk. The State is willing to reduce bond to \$5,000 if the family posts bond on his behalf.

The Defendant clarified that he lives in Plains, Montana; he does not have a job; his wife has a job and is currently pregnant.

The Court set bond at \$2,500 either cash or commercial and ordered the Defendant be fitted for the SCRAM unit.

The Court set conditions as filed and provided to the Defendant.

The Court explained the consequences should the Defendant violate any of the conditions and the Defendant stated he understood. His current address is 109 Blake, Plains, Montana and his cell phone is (406) 333-7793. The Court again stated he is not to have any contact with the victim and/or witnesses.

DATED this 9th day of April 2019.

STATE OF MONTANA,)	
Plaintiff,	)	CAUSE NO. DC-16-023
-vs-	)	Minute Entry:
JAYD WADE McKAY,	)	Disposition on Petition for
Defendant.	)	Revocation

This is the date and time set for a disposition hearing on a revocation of deferred imposition of sentence. The State was represented by Ms. Jennifer Stutz, Deputy Teton County Attorney on behalf of Joe Coble, Teton County Attorney. The Defendant was present and was represented by Ms. Roberta Cross Guns, public defender.

Ms. Stutz stated there is a joint agreement for the Defendant to admit to the violations and proceed to sentencing. Ms. Cross Guns agreed.

The Defendant states his name is Jayd Wade McKay; he is not under the influence of alcohol and is not taking any medication that would affect his judgment.

The Court advised the Defendant of the process of this hearing.

The Defendant has discussed this matter with Ms. Cross Guns, she has answered all his questions and he is satisfied with her representation. He intends to admit to the allegations as it is in his best interests to do so. No one has promised him anything or coerced him into changing his plea.

With respect to the violations listed in the Petition, the Defendant admitted to each violation.

The admissions are noted for the record and based upon his admissions, the Court revoked his three-year deferred imposition of sentence.

The parties are prepared to move forward to sentencing. The Defendant also wished to proceed to sentencing.

Acting on Mr. Coble's behalf, Ms. Stutz recommends the three-year deferred imposition of sentence be re-imposed contingent that a current address is provided and as soon as he is released that he is to contact his probation and parole officer in Lewis and Clark County. The Defendant provided his current residence of 845 9th Avenue, Helena, Montana. Ms. Cross Guns agreed to the recommendation.

The Defendant was allowed his right of allocution and he chose not to make a statement to the Court.

The Court advised the Defendant to stay away from the drugs. The Court explained the purpose of a deferred sentence and the consequences should he violate the condition.

Sentencing was held at this time. It is the judgment of the Court to reimpose a three (3)-year deferred imposition of sentence with no credit for time served. The conditions are the standard probation and parole conditions previously ordered. If the Defendant needs help with alcohol or drug addiction, he needs to contact his probation officer and he/she will help him.

The Court recommended the Defendant to take advantage of this sentence to receive counseling and wished him good luck.

DATED this 9th day of April 2019.

STATE OF MONTANA,)	
Plaintiff,	)	CAUSE NO. DC-18-014
-vs-	)	Minute Entry:
SCOTT LANE MERRILL,	)	Change of Plea
Defendant.)	

This is the date and time set for a change of plea hearing. The State was represented by Ms. Jennifer Stutz, Deputy Teton County Attorney on behalf of Joe Coble, Teton County Attorney. The Defendant was present and was represented by Ms. Roberta Cross Guns, public defender.

Ms. Stutz presented a signed Plea Agreement to the Court and stated the Defendant intends to enter a plea of "guilty" to Counts I and III.

The Defendant stated his full name is Scott Lane Merrill; he is not under the influence of alcohol and he is not taking any medication that would affect his judgment or understanding of these proceedings.

The Court summarized the procedure of today's hearing as well as the Plea Agreement and attached waiver.

The Defendant stated he understood the agreement; Ms. Cross Guns has answered all his questions and he is satisfied with her representation. No one has coerced or promised him anything by signing this agreement and he is signing under his own free will as he believes it is in his best interests to do so.

The Court advised the Defendant of his rights that he is giving up by signing the Plea Agreement; the Defendant understood.

The Court stated the Plea Agreement is not binding on the Court; the Defendant understood.

With respect to Count I, Criminal Possession of Dangerous Drugs, a felony, the Defendant changed his plea to guilty.

With respect to Count III, the amended charge of Assault, a misdemeanor, the Defendant changed his plea to guilty.

The Defendant was duly sworn by the Clerk of Court.

Ms. Cross Guns provided a factual basis for the underlying charges that satisfied both the Court and the State. The State clarified that the Count I references the use of pills and not methamphetamine as previously testified to.

Based upon his testimony the Court will determine there is a factual basis for his plea of guilty to Counts I and III. The Court accepted his plea of guilty and the Defendant now stands guilty of those charges.

The Court ordered a pre-sentence investigation and set sentencing for May 21, 2019, at 10:00 a.m.

Regarding bond, the State agreed to an own-recognizance release as he is not a flight risk. The State is confident that he will return for sentencing. Ms. Cross Guns agreed.

The Court agreed with the recommendation and advised the Defendant that between now and sentencing, which is in approximately six weeks, he is not to violate any of the conditions imposed on July 24, 2018. The Court specifically ordered no contact whatsoever with Amanda Miller, the alleged victim.

DATED this 9th day of April 2019.

STATE OF MONTANA,)	
Plaintiff,	)	CAUSE NO. DC-16-001
-vs-	)	Minute Entry:
MARC JAMES DONALD ARENSMEYER,	)	Status Hearing - Defendant
Defendant.	)	Sentenced

This is the date and time set for a status/possible disposition hearing. The State was represented by Ms. Jennifer Stutz, Deputy Teton County Attorney on behalf of Joe Coble, Teton County Attorney. The Defendant was present and was represented by Ms. Roberta Cross Guns, public defender.

Ms. Stutz presented a summary of the action taken thus far in this matter and requested to move forward to sentencing. Ms. Cross Guns agreed.

The Defendant stated his full name is Marc James Donald Arensmeyer; he is not under the influence of alcohol; he has not taken any medication that would affect his judgment or understanding of these proceedings.

He has discussed his admissions with Ms. Cross Guns; she has answered his questions and he is satisfied with her representation. He intends to admit to the first allegation listed in the Petition as it is in his best interests to do so. No one has promised him anything or coerced him into admitting to the violation.

The Court advised the Defendant of the rights he is giving up; the Defendant understood.

With respect to Violation #1, the Defendant admitted to his failure to notify the probation officer of his change of residence. The Court noted his admission and his suspended sentence is hereby revoked.

The Defendant waived the time between changing his plea to sentencing.
The parties are ready to proceed to sentencing.
The parties did not call any witnesses.

The State presented argument for a three-year Montana Department of Corrections sentence. Ms. Cross Guns agreed to the State's recommendation and her client wishes to receive chemical treatment. Ms. Cross Guns requested the Court provide a recommendation for completion of a treatment plan as appropriate through the Department of Corrections.

It is the judgment of the Court that the Defendant be committed to the Montana Department of Corrections for three (3) years with no time suspended. The Court recommends that the Defendant be screened for and appropriately placed in a treatment program as determined by the Department of Corrections. If any restitution is remaining, the Defendant is still responsible to pay it in full.

The Defendant was remanded to the custody of the Montana Department of Corrections to begin serving his sentence.

DATED this 9th day of April 2019.

STATE OF MONTANA,)	
Plaintiff,	)	CAUSE NO. DC-18-027
-vs-	)	Minute Entry:
LAUREN ASHLEY NAUDE,	)	Change of Plea
Defendant.)	

This is the date and time set for a change of plea hearing. The State was represented by Ms. Jennifer Stutz, Deputy Teton County Attorney on behalf of Joe Coble, Teton County Attorney. The Defendant was present and was represented by Ms. Roberta Cross Guns, public defender.

Ms. Stutz provided the Court with a signed Plea Agreement.

The Defendant stated her name is Lauren Ashley Naude; she is not under the influence of alcohol; and she has not taken any drugs or medication that would affect her judgment or understanding of these proceedings.

The Court advised with the Defendant's her rights she is giving up by entering a plea of guilty; the Defendant understood.

The Defendant has not been promised anything by changing her plea and she is changing her plea under her own free will. She has discussed this matter with Ms. Cross Guns; her attorney has answered her questions; and she is satisfied with her attorney's representation; the Defendant understands that the Plea Agreement is not binding on the Court.

With respect to Count I of the Information, Theft by Accountability, a felony and Count II, Theft a misdemeanor, the Defendant entered a plea of "no contest" to each count.

The State summarized the facts that it could show at a trial in support of the Information.

The Court accepted the Defendant's "no contest" pleas and ordered that a pre-sentence investigation be completed.

Sentencing was set for May 21, 2019, at 10:00 a.m.

The Plea Agreement was outlined to include an eight-year Montana Department of Corrections commitment with five of those years suspended with respect to Count I. With respect to Count II, the agreement indicates a six-month incarceration in the Teton County Jail to run concurrent with Count I. Ms. Cross Guns stated that the State and the Defense will jointly

recommend payment of restitution, a chemical dependency evaluation be completed and a recommendation of acceptance and completion of Treatment Court with Judge Pinski.

The Defendant is in jail on the Court's warrant. Ms. Stutz stated that Mr. Coble has agreed to an own-recognizance release if an address is given. The Defendant will reside with her mother at 225 Dracut Hill Road in Vaughn. Conditions previously imposed are still in place.

The Defendant understands the consequences if she violates any of the conditions between now and sentencing.

DATED this 9th day of April 2019.

STATE OF MONTANA,)	
Plaintiff,	)	CAUSE NO. DC-19-005
-vs-	)	MINUTE ENTRY:
GREGG ALLEN THOMPSON,	)	Omnibus Hearing
Defendant.)	

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

The State just provided discovery this morning and requested this matter be continued to the next law and motion. No objection by Ms. Cross Guns.

The Court reset the Omnibus Hearing to April 23, 2019, at 10:00 a.m. This hearing will not be held if counsel completes the form prior to that date.

DATED this 9th day of April 2019.

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

Lisa J. Sinton, Clerk of Court