

**TETON COUNTY
DISTRICT COURT MINUTES – HELD IN OPEN COURT
Tuesday – September 10, 2019**

Court convened at 10:20 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; Clint Ellsworth, Deputy Teton County Sheriff; Elda Nichols, Court Reporter appearing via JVN from Toole County; and Lisa Sinton, Clerk of Court.

IN RE THE MARRIAGE OF:)	
)	
TERRY L. MARTIN,	)	CAUSE NO. DR-19-023
)	
Co-Petitioner,	)	MINUTE ENTRY:
)	
-and-	)	Entry of Decree of Dissolution
)	
LORENA M. MARTIN,)	
)	
Co-Petitioner.)	

This is the time and place set for the hearing on the Petition of Dissolution. The Co-Petitioners were both present and appeared with their attorney, Mr. Scott Swanson.

The parties were duly sworn, and each testified to the direct examination of counsel.

Based on the testimony and the documents provided, the Court made the following findings: It has jurisdiction over this matter; venue is proper in Teton County; the parties have been residents of the State of Montana for more than 90 days; a Separation Agreement has been entered into which the Court finds acceptable, and the Court incorporates this agreement into the Decree; the parties have one child that is 23 years of age; and the last name of the wife will remain the same.

Since both petitioners were present at today's hearing the Court waived the 20-day time period between filing the Petition and the entry of the Decree.

The Court granted the dissolution and signed the Decree as of this date.

DATED this 10th day of September 2019.

STATE OF MONTANA,)	
Plaintiff,	)	CAUSE NO. DC-18-002
)	
-vs-	)	MINUTE ENTRY:
JEREMIAH LEE EDWARD KJENSMO,	)	Status Hearing
Defendant.)	

This is the time and place set for a status hearing to be heard by the Honorable Robert G. Olson. The Plaintiff was represented by Ms. Jennifer Stutz, Deputy Teton County Attorney. The Defendant was present with his attorney, Mr. Ken Olson. This hearing was held in open court in the Teton County Courtroom.

Mr. Olson stated the parties have been negotiating an agreement, but a written agreement has not yet been signed. He asked the Court to set a trial date and they would hopefully settle this matter prior to the trial.

The Court will prepare an Order to be filed and delivered to both parties.

DATED this 10th day of September 2019.

IN RE THE MATTER OF:)	
	)	CAUSE NO.: DJ-18-003
KYLEE RAPP,	)	MINUTE ENTRY:
	)	Status Hearing
A Delinquent Youth.)	

This is the time and place set for a status hearing. The Honorable Robert G. Olson presided over this hearing that was held in open court in the Teton County Courtroom. Ms. Jennifer Stutz, Deputy Teton County Attorney, appeared on behalf of the State of Montana. The Youth was present and was represented by her attorney, Ms. Amanda Marvin.

The parties have reached a Pre-Trial Agreement and Ms. Stutz presented the agreement to the Court. One of the conditions of this agreement is that the Court hold a restitution hearing. They requested the Court set a hearing on the payment of restitution.

The Court stated Pre-Trial Diversion Agreements are between the parties and the Court does not need to approve the agreement.

The Court set a restitution hearing for November 5, 2019, at 1:30 p.m.

DATED this 10th day of September 2019.

IN RE THE MATTER OF:)	
	)	CAUSE NO.: DJ-19-003
JOSHUA NORHEIM,	)	MINUTE ENTRY:
	)	Initial Appearance
A Delinquent Youth.)	

This is the date and time set for the initial appearance of the Youth. The Honorable Robert G. Olson presided over this hearing that 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 Youth was present with his Public Defender, Mr. Jeff Sutton. His mother was also present in the courtroom.

The Youth was advised of his rights and was advised of the procedures of this hearing.

The Youth waived the reading of the Petition in open court.

The Court advised the Youth of the maximum penalties the Court could order with respect to the allegations.

With respect to Count I, Burglary (felony) and Count II, Criminal Mischief (misdemeanor), the Youth entered a denial of the allegations.

The denials were noted by the Court.

The Court set an Omnibus Hearing for October 8, 2019, at 10:00 a.m. and advised counsel that the hearing will be vacated if the form is completed prior to this date.

Mr. Sutton stated the parties have had preliminary discussions, and it is likely this matter will not proceed to trial.

The Youth is currently released on his own recognizance. The Court continued his OR release with the standard conditions as ordered by the Court, signed to by the Youth and indicated on copies provided to counsel and the Youth.

DATED this 10th day of September 2019.

IN RE THE MATTER OF:)	
	)	CAUSE NO.: DJ-19-002
JOSHUA SPITTLER,	)	MINUTE ENTRY:
	)	Initial Appearance
A Delinquent Youth.)	

This is the date and time set for the initial appearance of the Youth. The Honorable Robert G. Olson presided over this hearing that 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 Youth was present with his attorney, Mr. Randy Randolph, who appeared telephonically via the Judicial Video Network system.

The Youth was advised of his rights and was advised of the procedures of this hearing.

The Court read the Petition to the Youth in open court

The Court advised the Youth of the maximum penalties the Court could order with respect to the allegations.

With respect to Count I, Trespassing (misdemeanor), the Youth entered a denial to the allegation. The Youth's denial was noted by the Court.

The Court set an Omnibus Hearing for October 8, 2019, at 10:00 a.m. and advised counsel that the hearing will be vacated if the form is completed prior to this date.

The Youth is currently released on his own recognizance. The Court continued his OR release with the standard conditions as ordered by the Court, signed to by the Youth and copies will be mailed to Mr. Randolph. The Youth and Ms. Stutz received their copies in open Court.

Ms. Stutz provided a telephone number of the parents to Mr. Randolph (467-3836)

DATED this 10th day of September 2019.

IN RE THE MATTER OF:)	
	)	CAUSE NO.: DJ-19-004
XAVIER EVANS,	)	MINUTE ENTRY:
	)	Initial Appearance, Denials
A Delinquent Youth.	)	Entered

This is the time and place set for the initial appearance of the Youth. The Honorable Robert G. Olson presided over this hearing that 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 Youth was present in the courtroom with his court-appointed attorney, Mr. Dan Flaherty.

The Youth was advised of his rights and was advised of the procedures of this hearing. The Youth waived the reading the Youth Petition in open court.

The Court advised the Youth of the maximum penalties the Court could order with respect to the allegations.

With respect to Count I, Burglary (felony) and Count II, Criminal Mischief (felony), the Youth entered a denial of the allegations.

The denials were noted by the Court.

The Court set an Omnibus Hearing for October 8, 2019, at 10:00 a.m. and advised counsel that the hearing will be vacated if the form is completed prior to this date.

The Youth is currently released on his own recognizance. The Court continued his OR release with the standard conditions as ordered by the Court. The Youth signed the Order and copies were provided to him, Mr. Flaherty and Ms. Stutz.

DATED this 10th day of September 2019.

IN RE THE MATTER OF:)	
	)	CAUSE NO.: DJ-19-001
GIAVANTE EVANS,	)	MINUTE ENTRY:
	)	Initial Appearance, Denial
A Delinquent Youth.	)	Entered

This is the date and time set for the initial appearance of the Youth. This hearing was held in open court with the Honorable Robert G. Olson presiding. The State of Montana was represented by Ms. Jennifer Stutz, Deputy Teton County Attorney. The Youth was present in the courtroom and Ms. Amanda Marvin stood in with the Youth until an attorney can be formally appointed. The Youth's mother, Heather Evans, was present.

The Youth was advised of his rights and the Court explained the procedures of this hearing.

The Court read the Petition to the Youth in open court.

The Court advised the Youth of the maximum penalties the Court could order with respect to the allegation.

With respect to Count I, Trespass (misdemeanor), the Court entered a denial on behalf of the Youth to the allegations set forth in the Petition and set an Omnibus Hearing for October 8, 2019, at 10:00 a.m.

The Youth is currently released on his own recognizance. The Court continued his OR release with the standard conditions as ordered by the Court. The conditions were signed to by the Youth and copies were provided to the Youth and the County Attorney. A copy of the conditions will be provided to the attorney, once one is appointed.

DATED this 10th day of September 2019.

IN RE THE MATTER OF:)	
	)	CAUSE NO.: DJ-19-006
COLE TROY,	)	MINUTE ENTRY:
	)	Initial Appearance, Denials
A Delinquent Youth.	)	Entered

This is the time and place set for the initial appearance of the Youth. This hearing was held in open court with the Honorable Robert G. Olson presiding. The State of Montana was represented by Ms. Jennifer Stutz, Deputy Teton County Attorney. The Youth was present in the courtroom with his court-appointed attorney, Ms. Roberta Cross Guns. The Youth's parents were also present.

The Youth was advised of his rights and was advised of the procedures of this hearing.

The Youth waived the reading of the Petition in open court.

The Court advised the Youth of the maximum penalties the Court could order with respect to the allegations.

The Youth entered a denial to the allegations of Burglary, a felony, and Criminal Mischief, a felony. The Youth's denials were noted for the record.

The Court set an Omnibus Hearing for October 8, 2019, at 10:00 a.m. The Youth was advised that he did not need to be present at this hearing. The Court encouraged counsel to complete the omnibus form prior to this hearing date, thereby vacating the hearing.

The Youth is currently released on his own recognizance. The Court continued his OR release with the standard conditions as ordered by the Court and signed to by the Youth. Copies were provided to the Youth, Ms. Stutz and Ms. Cross Guns.

DATED this 10th day of September 2019.

Court recessed from 10:40 to 10:50 a.m.

STATE OF MONTANA,)	
Plaintiff,	)	CAUSE NO. DC-18-025
-vs-)	
ALLEN DAVID ROBERTS,	)	MINUTE ENTRY:
Defendant.	)	Status Hearing Continued

This is the time and place set for a status hearing. The Honorable Robert G. Olson presided over this hearing that was held in open court in the Teton County Courtroom. Appearing on behalf of the State was Ms. Jennifer Stutz, Deputy Teton County Attorney stood in for Mr. Joe Coble, Teton County Attorney. The Defendant was not present but was represented by his Public Defender, Lawrence LaFountain.

Mr. LaFountain requested the trial date of September 30, 2019 will remain on the Court's calendar.

The Clerk will be drawing a jury soon.

DATED this 20th day of August 2019.

IN RE THE MATTER OF:)	
	)	CAUSE NO.: DJ-19-005
TRENTON EVANS,	)	MINUTE ENTRY:
	)	Initial Appearance, Denials
A Delinquent Youth.	)	Entered

This is the date and time set for the initial appearance of the Youth. This hearing was held in open court with the Honorable Robert G. Olson presiding. The State of Montana was represented by Ms. Jennifer Stutz, Deputy Teton County Attorney. The Youth was present in the courtroom. The Youth's public defender, Sam Harris, appeared telephonically.

The Youth was advised of his rights and was advised of the procedures of this hearing.

Mr. Harris stated he has not spoken with the Youth directly but has spoken with his parents. The Youth waived the reading of the Petition in open court.

The Court advised the Youth of the maximum penalties the Court could order with respect to the allegations.

The Court entered a denial to the allegations of Count I, Burglary, a felony and Count II, Criminal Mischief, a felony. The Youth's denials were noted for the record.

The Court set an Omnibus Hearing for October 8, 2019, at 10:00 a.m. The Omnibus Form can be completed and presented to the Court prior to the scheduled hearing date. The Youth was advised that he was not required to be present at this hearing.

The Youth is currently released on his own recognizance. The Court continued his OR release with the standard conditions as ordered by the Court and signed to by the Youth. Copies were provided to the Youth and Ms. Stutz, and Mr. Harris will receive his copy by mail.

DATED this 10th day of September 2019.

STATE OF MONTANA,)	
Plaintiff,	)	CAUSE NO. DC-19-004
-vs-	)	MINUTE ENTRY:
COLTER J. CAMPANIAN,	)	Change of Plea Hearing Reset to be
Defendant.	)	Heard in Glacier County 9/11/2019

This is the time and place the Court set for a change of plea hearing. The Honorable Robert G. Olson presided over this hearing and it was held in open court in the Teton County Courtroom. Ms. Jennifer Stutz, Deputy County Attorney appeared on behalf of the Plaintiff. The Defendant was not present, but he was represented by his attorney, Mr. Carl Jensen.

Ms. Stutz stated Mr. Campanian is scheduled for a change of plea in Glacier County tomorrow and requested that the two matters be consolidated. Mr. Jensen did not object. His client will appear in Glacier County tomorrow.

The trial date was vacated at the last law and motion day.

DATED this 10th day of September 2019.

STATE OF MONTANA,)	
Plaintiff,	)	CAUSE NO. DC-18-017
-vs-	)	MINUTE ENTRY:
TROY LEON JACKSON,	)	Sentencing
Defendant.)	

This is the time and place set for the sentencing of the Defendant, Troy Leon Jackson. This hearing was held in open court in the Teton County Courthouse with the Honorable Robert G Olson presiding. Appearing for the State of Montanan was Ms. Jennifer Stutz. The Defendant was present with his attorney, Mr. Carl Jensen.

Mr. Jensen presented a letter written on behalf of the Defendant to the Court for his consideration.

The Defendant indicated he has already been screened and approved for drug treatment court.

No witnesses were called for either party.

No argument was presented by the State, except the Plea Agreement is a fair resolution to this matter.

Mr. Jensen presented argument on behalf of his client stating that the Defendant's DUI history has occurred over a long period of time. The charges have been very traumatic and difficult experience for him and his family. The Defendant has stress issues as well as pulmonary and respiratory problems. He is concerned about not being able to drive to Shelby for Drug Treatment Court without a driver's license and requested the Court allow him to have his driver's license only for this task.

The Court suggested the Defendant contact the Drug Treatment Court coordinator as there are several people from Choteau that are attending this program, and he could possibly car-pool with them back and forth to Shelby.

Ms. Stutz objected to the request based on the number of convictions he has. The Court will consider the request.

The Court allowed the Defendant to have his right of allocution. The Defendant stated he is humiliated and regretful for his actions. He is sorry that he humiliated his family, and he guarantees that it will not happen again.

The Court reviewed and accepted the Plea Agreement.

It is the judgment of this Court with respect to the DUI (4th offense), a felony, the Defendant was sentenced to a four-year commitment to the Department of Corrections with all four years suspended. The Defendant will be given credit for time served. The Defendant was ordered to pay a fine of \$5,000 and the court surcharges for a felony charge. The Defendant was ordered to follow the probation conditions as set forth in the PSI, which will be incorporated into the judgment. If not agreeable, Mr. Jensen is to file his objection to the conditions within ten (10) days of the judgment. The prosecution fee of \$100 are hereby waived. The Defendant was ordered to complete the Ninth Judicial District Drug Court and to comply with all their rules and conditions.

The reasons for the sentence are as follows: The joint recommendation of counsel, the Plea Agreement, the PSI and the Defendant admitting for the need for treatment and enrolling into the Ninth Judicial District Drug Treatment Court in lieu of incarceration.

As part of the judgment, the Court recommends the Defendant to receive a conditional driving permit for work, medical appointments and to drive to Shelby to attend drug court only.

The State moved to dismiss all the remaining counts; no objection from Mr. Jensen. The remaining counts will be dismissed. The matter of DC-18-024 will also be dismissed. The State will prepare the appropriate Orders for the Court's signature.

DATED this 10th day of September 2019.

STATE OF MONTANA,)	
Plaintiff,	)	CAUSE NO.: DC-16-019
-vs-)	
CHRISTOPHER JAMES CLAY, JR.,	)	MINUTE ENTRY:
Defendant.	)	Status Hearing

This is the time and place the Court set for a status hearing. This hearing was presided over by the Honorable Robert G. Olson and was held in open court in the Teton County Courtroom. The Plaintiff was represented by Ms. Jennifer Stutz, Deputy Teton County Attorney. The Defendant was present with his attorney, Ms. Roberta Cross Guns.

Ms. Stutz stated the parties have executed a Pre-Trial Diversion Agreement and presented it for the Court's consideration. The Court stated there is no need for him to approve this agreement.

The Court wished the Defendant good luck in his future.

DATED this 10th day of September 2019.

STATE OF MONTANA,)	
Plaintiff,	)	CAUSE NO.: DC-19-001
-vs-)	
GERALD DANNER FREEMAN,	)	MINUTE ENTRY:
Defendant.	)	Status Hearing

This is the time and place set for a status hearing. This hearing was presided over by the Honorable Robert G. Olson and was held in open court in the Teton County Courtroom. The Plaintiff was represented by Ms. Jennifer Stutz, Deputy Teton County Attorney. The Defendant was present with his attorney Ms. Roberta Cross Guns, Public Defender.

Ms. Stutz presented a signed Plea Agreement for the Court's review.

The Court vacated the trial date of October 3 and 4, 2019.

The Defendant stated his full name was Gerald Freeman, he is not under the influence of alcohol or narcotic drugs. He understands the proceedings of today's hearing. He understands the Plea Agreement and has discussed the same with his attorney.

The Court advised the Defendant of his rights he is giving up by entering into the agreement; the Defendant stated he understood.

The Defendant has discussed the Plea Agreement with Ms. Cross Guns; she has answered all his questions and he is satisfied with her representation. No one has promised him anything other than what is contained within the agreement. The Court advised the Defendant that a Plea Agreement is not binding on the Court.

With respect to Count I, Criminal Endangerment, a felony, and Count II, Aggravated Driving While Under the Influence of Alcohol, a misdemeanor, the Defendant changed his plea to guilty.

The Defendant was duly sworn, and Ms. Cross Guns provided a factual basis for the underlying charge that satisfied the Court and the Plaintiff.

The Court determined there is a factual basis for his plea of guilty to the charges; the Court accepted his plea of guilty to the charges and this matter is set for a sentencing hearing for November 5, 2019, at 10:00 a.m.

The Court ordered a Pre-Sentence Investigation to be completed.

The Court requested the Defendant begin the process of being screened for the Drug Treatment Court.

The conditions for probation still apply.

DATED this 10th day of September 2019.

STATE OF MONTANA,)	
Plaintiff,	)	CAUSE NO. DC-19-010
-vs-	)	MINUTE ENTRY:
RANDY LEE PLUMLEY,	)	Status Hearing
Defendant.)	

This is the date and time set for a status hearing 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 present with his attorney, Ms. Roberta Cross Guns, Public Defender.

A jury trial is currently set for October 15th and 16th, 2019. Ms. Cross Guns requested the Court move the jury trial date as they are waiting for an evaluation and report to be completed by Dr. Zook. Ms. Stutz did not object to moving the trial date. The time will be attributed to the Defense for speedy trial purposes.

The Court will prepare an Order to continue the trial date.

All conditions of his release will remain in effect.

DATED this 10th day of September 2019.

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

This is the date and time set for a status hearing. The Honorable Robert G. Olson presided over this hearing that was held in open court in the Teton County Courtroom. The Plaintiff was represented by Ms. Jennifer Stutz, Deputy Teton County Attorney. The Defendant was not present but was represented by Ms. Roberta Cross Guns, Public Defender.

A jury trial date is on the Court's calendar for October 3, 2019. Ms. Cross Guns stated she had contact with her client in the beginning but has not contacted her lately. She requested the trial date be vacated. Ms. Stutz did not object. The Court vacated the trial date.

The Court set another status hearing for September 24, 2019, at 10:00 a.m.

If the Defendant fails to attend, a warrant for his arrest will be issued.

DATED the 10th day of September 2019.

STATE OF MONTANA,)	
Plaintiff,	)	CAUSE NO. DC-19--014
-vs-	)	MINUTE ENTRY:
KRISTINA LAMAR PURKETT,	)	Initial Appearance to be Reset
Defendant.)	

This is the date and time set for an initial appearance. The Honorable Robert G. Olson presided over this hearing that was held in open court in the Teton County Courtroom. The Plaintiff was represented by Ms. Jennifer Stutz, Deputy Teton County Attorney. The Defendant was not present but was represented by Ms. Roberta Cross Guns, Public Defender.

The Defendant has not been served. Once served, the initial appearance will be scheduled.

DATED this 10th day of September 2019.

STATE OF MONTANA,)	
Plaintiff,	)	CAUSE NO. DC-19-008
-vs-	)	MINUTE ENTRY:
BAYLEE JO RUSSELL,	)	Status Hearing Continued
Defendant.)	

This is the time and place set by the Court for a status hearing. The Honorable Robert G. Olson presided over this hearing that was held in open court in the Teton County Courtroom. Appearing for the State of Montana was Ms. Jennifer Stutz, Deputy Teton County Attorney. Neither the Defendant or her attorney, Mr. Paul Neal, were not present.

Ms. Stutz stated they are working on a global solution between Teton and Glacier Counties. They requested the trial date of September 30th be retained.

The Court requested they contact the Clerk of Court if an agreement is reached.

DATED this 10th day of September 2019.

Court adjourned at 11:50 a.m.

Lisa J. Sinton, Clerk of Court