

**TETON COUNTY  
DISTRICT COURT MINUTES – HELD IN OPEN COURT  
Tuesday – September 24, 2019**

Court convened at 10:10 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.

---

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

---

This is the time and place requested by the county attorney to place a change of plea hearing on the calendar. 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 Mr. Joe Coble, Teton County Attorney. The Defendant was present with his Public Defender, Mr. Lawrence LaFountain.

The Defendant states his name is Allen David Roberts; he is not under the influence of alcohol; he has not taken any drugs or medication that would affect his understanding of today's hearing.

A Plea Agreement has been filed and the Court summarized this agreement that will run concurrent to a Cascade County matter.

The Defendant stated he signed the Plea Agreement and the attached Acknowledgment; he has reviewed the agreement with his attorney; his attorney has answered his questions and he is satisfied with Mr. LaFountain's representation.

The Court explained the procedures of this hearing.

The Court summarized the rights the Defendant is giving up by changing his plea; he is signing the Plea Agreement under his own free will; he believes it is in his best interests to change his plea; and the Court explained that a Plea Agreement is not binding on the Court.

With respect to Count I, Theft by Accountability, a felony, the Defendant entered a plea of guilty.

The Defendant was duly sworn, and Mr. LaFountain provided a factual basis for the underlying charge that satisfied the State as well as the Court. Based upon his testimony, the Court finds that there is a factual basis for his plea of guilty; the Court accepted his plea; the Defendant hereby stands convicted of felony Theft by Accountability.

The Court ordered a pre-sentence investigation to be completed. Mr. LaFountain provided a copy of the pre-sentence investigation that was completed for the Cascade County matter dated September 12, 2019. The Court reviewed the PSI.

The Defendant waived the time between changing his plea and sentencing; he wished to proceed directly to sentencing.

No further evidence or witnesses were called by the Plaintiff or the Defense.

The State's argument is for the Court to follow the Plea Agreement which is a commitment to the Montana Department of Corrections for a period of ten (10) years with five (5) years suspended. This sentence is to run concurrently to Cascade County ADC-18-714. Mr. Coble asked the Court to order restitution in the amount of \$1,565.48. Mr. LaFountain concurs.

The Defendant was allowed his right of allocution. The Defendant apologized to the Court and to the people that he hurt. He takes full responsibility for his actions. He will try to move on and to better his life.

The Court finds that the Plea Agreement is appropriate and accepted the agreement.

It is the judgment of the Court for the charge of Theft by Accountability, a felony, the Defendant is sentenced to ten (10) years to the Montana Department of Corrections with five (5) years suspended. This sentence is to run concurrently to Cascade County ADC-18-714. The Court ordered restitution in the amount of \$1,565.48 to be paid upon a schedule determined appropriate by his probation officer. The conditions of his suspended portion of his sentence set forth in the PSI were ordered with exceptions. The Court did not order the Defendant to pay a fine and to not pay prosecution or defense fees. The Court ordered the court surcharges and the PSI fees to be paid on a schedule as deemed appropriate by his probation officer. If counsel does not agree with one or more of the conditions listed in the Judgment, he is to file his objection within ten days.

The reasons for the sentence are as follows: the joint recommendation of counsel, the plea agreement, the pre-sentence investigation, the Defendant's prior criminal record and his pending charges, along and the nature of the offense.

The Defendant was remanded to the Montana Department of Corrections. Cascade County will determine how much credit the Defendant will receive for time served.

DATED this 24<sup>th</sup> day of September 2019.

---

<b>STATE OF MONTANA,</b>	)	
<b>Plaintiff,</b>	)	<b>CAUSE NO. DC-19--016</b>
<b>-vs-</b>	)	<b>MINUTE ENTRY:</b>
<b>TERENCE KENNETH HOLLOWAY,</b>	)	<b>Initial Appearance/Entry of Not</b>
<b>Defendant.</b>	)	<b>Guilty Pleas</b>

---

This is the time and place the Court set for an initial appearance of the Defendant. The Honorable Robert G. Olson presided over this hearing and it was held in open court in the Teton County Courtroom. Mr. Joe Coble, Teton County Attorney, was present to represent the Plaintiff. The Defendant was present and appeared with Mr. Lawrence LaFountain.

A formal appointment of Mr. LaFountain will be filed by OPD. He stated his client intends to enter a plea of "not guilty" at today's hearing.

The Defendant stated his name was Terence Kenneth Holloway, he is not under the influence of alcohol; and he has not taken any medication or drugs that would affect his understanding of these procedures.

The Court explained the procedures of his hearing.

The Defendant stated he just received a copy of the charging documents this morning, has read the Information and waived the reading of the Information in open court.

The Court explained the maximum penalties associated with the charges.

The Court advised the rights to the Defendant; he understood his rights;

With respect to Count I, Criminal Possession of Dangerous Drugs with the Intent to Distribute, a felony, the Defendant plead not guilty.

With respect to Count II, Criminal Possession of Dangerous Drugs with the Intent to Distribute, a felony, the Defendant entered a plea of not guilty.

The Court noted the Defendant's pleas and set an Omnibus Hearing for October 22, 2019, at 10:00 a.m. The Defendant was advised that he did not have to be present for this hearing. The Omnibus Form will be provided and if completed prior to October 22<sup>nd</sup>, the hearing will be vacated.

Bond is currently set at \$50,000; Mr. Coble requested the Court continue the bond amount. Mr. LaFountain agreed as long as bond is concurrent with the Cascade County case, which is also \$50,000.

The conditions for the Defendant's release, if he is able to post bond, were reviewed, signed by the Defendant and copies were distributed.

The Court explained the consequences should the Defendant violate any of the conditions.

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

DATED this 24<sup>th</sup> day of September 2019.

---

<b>STATE OF MONTANA,</b>	)	
<b>Plaintiff,</b>	)	<b>CAUSE NO. DC-19-017</b>
<b>-vs-</b>	)	<b>MINUTE ENTRY:</b>
<b>BRIAN DEAN WARD,</b>	)	<b>Initial Appearance, Entry of</b>
<b>Defendant.</b>	)	<b>Not Guilty Pleas</b>

---

This is the time and place set for an initial appearance of the Defendant. The Honorable Robert G. Olson presided over this hearing and it was held in open court in the Teton County Courtroom. Mr. Joe Coble, Teton County Attorney, was present to represent the Plaintiff. The Defendant was present and Ms. Roberta Cross Guns, stood up with the Defendant.

Mr. Coble served the Defendant with the charging documents at this time. The Defendant stated he has seen the charging document. Ms. Cross Guns stated she has not been formally appointed to represent the Defendant on this matter but currently represents him in his other cases before the Court.

Mr. Ward is a co-Defendant to the Defendant listed in DC-19-016.

The Defendant stated his name was Brian Ward; he is not under the influence of alcohol; and he has not taken any medication or drugs that would affect his understanding of these procedures.

Ms. Cross Guns stated her client intends to enter a plea of "not guilty" to the charges. The Defendant understands the Information and waives the reading in open court.

The Defendant was advised of the maximum penalties associated with the charges. The Defendant stated he understood his rights.

With respect to Count I, Criminal Possession of Dangerous Drugs with the Intent to Distribute, a felony, the Defendant entered a plea of not guilty.

With respect to Count II, Criminal Possession of Dangerous Drugs with the Intent to Distribute, a felony, the Defendant entered a plea of not guilty.

The Court noted the Defendant's entry of pleas and set an Omnibus Hearing for October 22, 2019, at 10:00 a.m. The Defendant was advised that he was not required to attend this hearing. If counsel completes the Omnibus Form prior to the hearing date, the hearing will be vacated.

The Defendant asked why he was being charged in Teton County and Cascade County as they are the same charges. Counsel will advise their client on this matter.

With respect to bond, the Defendant is currently being held on a \$50,000 bond, which is concurrent to the Cascade County matter.

Ms. Cross Guns provided argument for the reduction of bond as the Defendant has ties to the community, specifically his children and his grandparents that live in Fairfield. He would like an opportunity to be released to allow him to work on his Treatment Plan regarding his children. The Court instructed Ms. Cross Guns to inquire whether Cascade County will allow the Defendant to receive a reduction in bond and file something in writing. Mr. Coble will have a change to respond to her motion and the Court will consider their requests. For today's purposes, the Court will continue the \$50,000 bond.

The Court reviewed the conditions for his release, if the Defendant can post bond. The Defendant signed the Order, copies were delivered, and the Order will be filed. The Defendant is to also follow all the conditions of his current probation.

DATED this 20<sup>th</sup> day of September 2019.

---

<b>STATE OF MONTANA,</b>	)	
<b>Plaintiff,</b>	)	<b>CAUSE NO. DC-18-013</b>
<b>-vs-</b>	)	<b>MINUTE ENTRY:</b>
<b>BRIAN DEAN WARD,</b>	)	<b>Initial Appearance on Petition</b>
<b>Defendant.</b>	)	<b>for Revocation</b>

---

This is the time and place set for an initial appearance on the Petition for Revocation of Suspended Sentence filed by the Plaintiff. The Honorable Robert G. Olson presided over this hearing and it was held in open court in the Teton County Courtroom. Mr. Joe Coble, Teton County Attorney, was present to represent the Plaintiff. The Defendant was present with his court-appointed attorney, Ms. Roberta Cross Guns.

This matter will be heard consecutively with DC-18-023.

The Defendant stated his name for the record was Brian Ward; he is not under the influence of alcohol; and he has not taken any medication or drugs that would affect his understanding of these procedures.

The Court advised the Defendant of his rights concerning the Petition; the Defendant understood his rights.

With respect to the allegation of a travel violation, the Defendant denied the allegation.

With respect to the violation of not obeying the laws and conduct, the Defendant denied the allegation.

The denials were noted by the Court.

The Court set an Evidentiary Hearing for November 19, 2019, at 11:00 a.m.

Bond will be continued at the amount of \$10,000 and will be concurrent to DC-18-023 as well as the bond set in the Cascade County matter. The conditions will remain as previously ordered.

DATED this 24<sup>th</sup> day of September 2019.

<b>STATE OF MONTANA,</b>	)	
<b>Plaintiff,</b>	)	<b>CAUSE NO. DC-18-023</b>
<b>-vs-</b>	)	<b>MINUTE ENTRY:</b>
<b>BRIAN DEAN WARD,</b>	)	<b>Initial Appearance on Petition to</b>
<b>Defendant.</b>	)	<b>Revoke</b>

This is the time and place set for an initial appearance on the Petition for Revocation of Suspended Sentence filed by the State. The Honorable Robert G. Olson presided over this hearing and it was held in open court in the Teton County Courtroom. Mr. Joe Coble, Teton County Attorney, was present to represent the Plaintiff. The Defendant was present with his court-appointed attorney, Ms. Roberta Cross Guns.

This matter will be heard consecutively with DC-18-013.

The Defendant stated his name for the record was Brian Ward; he is not under the influence of alcohol; and he has not taken any medication or drugs that would affect his understanding of these procedures.

The Court advised the Defendant of his rights concerning the Petition; the Defendant understood his rights.

With respect to the allegation of a travel violation, the Defendant denied the allegation.

With respect to the violation of not obeying the laws and conduct, the Defendant denied the allegation.

The denials were noted by the Court.

The Court set an Evidentiary Hearing for November 19, 2019, at 11:00 a.m.

Bond will be continued at the amount of \$10,000 and will be concurrent to DC-18-013 as well as the bond set in the Cascade County matter. The conditions will remain as previously ordered.

DATED this 24<sup>th</sup> day of September 2019.

<b>STATE OF MONTANA,</b>	)	
<b>Plaintiff,</b>	)	<b>CAUSE NO. DC-19-003</b>
<b>-vs-</b>	)	<b>MINUTE ENTRY:</b>

**CASEY MICHAEL FRICK,** ) **Status Hearing**  
**Defendant.** )

---

This is the time and place set for a status hearing. This hearing was held in open court in the Teton County Courthouse with the Honorable Robert G Olson presiding. Appearing for the State of Montana was Ms. Jennifer Stutz, Deputy Teton County Attorney. The Defendant was not present; his attorney was also not present.

Ms. Stutz stated she has been in contact with Ms. Marvin, the Defendant's Public Defender, and the parties have reached a resolution.

The State moved to vacate the trial date and requested a change of plea hearing be set for October 22, 2019, at 10:00 a.m.

The Court granted the State's motions.

DATED this 24<sup>th</sup> day of September 2019.

---

**STATE OF MONTANA,** )  
**Plaintiff,** ) **CAUSE NO.: DC-18-030**  
**-vs-** )  
**CODY KLOTZ,** ) **MINUTE ENTRY:**  
**Defendant.** ) **Sentencing**

---

This is the time and place set for the sentencing of the Defendant, Cody Klotz. This Honorable Robert G. Olson presided over this hearing that was held in open court in the Teton County Courtroom. The Plaintiff was represented by Mr. Joe Coble, Teton County Attorney. The Defendant was present with his attorney, Ms. Meghan Lulf Sutton.

Ms. Sutton stated a Plea Agreement was filed in May. Since that time, Mr. Klotz has incurred additional charges, and which is the reason why he is incarcerated today. It is her intent to hopefully resolve this matter as well as DC-19-012 today.

Ms. Sutton requested time and place to speak with her client regarding the offer provided in DC-19-012, which will also affect this matter. The Court summarized the Plea Agreement on file.

No witnesses were called on behalf of either party.

Mr. Coble presented argument by stating the Plea Agreement was agreed upon; however, counsel have had some additional negotiations. He is asking the Court to impose the maximum sentences on each of the misdemeanors and suspend jail time and allow credit for time served. Regarding Count II, the State recommends a one-year suspended sentence with all but ten days suspended, credit for time served and a fine of \$2,000. On Count IV, the State recommends a six-month commitment to the Teton County Jail with all-time suspended except for 10 days, credit for time served and a fine of \$500. Count IV will run concurrently to Count II. With respect to Count V, the State recommends the Defendant pay a fine of \$200.

Ms. Lulf Sutton concurs with the State's recommendation as these are misdemeanor charges; he does not have a history with drug or alcohol abuse; he is in his early 30's and this is an appropriate resolution to this case.

Mr. Klotz was allowed his right of allocution; he did not make a statement to the Court.

The Court has reviewed the Plea Agreement and the recommendation of counsel and believes the Plea Agreement and the recommended sentences are an appropriate resolution to this matter.

With respect to Count I, Fleeing, a misdemeanor, it is the judgment of this Court for the Defendant receive a one-year sentence to the Teton County Jail with all-time suspended except for ten (10) days and the Defendant is to receive credit for time served. The Court ordered the Defendant to pay a fine of \$2,000 and pay the appropriate Court surcharge for a misdemeanor charge. With respect to Count IV, Reckless Driving, a misdemeanor, it is the judgment of this Court for the Defendant to receive a six (6)-month suspended sentence to the Teton County Jail with all but ten (10) days. This sentence will run concurrently to Count II. The court ordered the Defendant to pay a \$500 fine, and the Defendant must pay the misdemeanor surcharge fee. With respect to Count V, Urban Speed Zone violation, a misdemeanor, the Defendant was sentenced to pay a fine of \$200 as well as the misdemeanor surcharge as required.

Conditions of his suspended sentence is that the Defendant must obey all laws, pay all fines and pay all surcharges. He is to pay at least the first \$700 on Counts IV and V plus surcharges to be paid within six (6) months or less. With respect to Count II, the remaining \$2,000 fine and surcharge is to be paid within 11 months. Mr. Coble requested he pay within five (5) months on Counts IV and V. The Court agreed.

Ms. Sutton requested her client receive nine days of credit and might receive a couple more days coming when he was first taken into custody, which would allow him to be released today. She will double-check with the jail on how many days he has spent in custody.

DATED this 24<sup>th</sup> day of September 2019.

---

<b>STATE OF MONTANA,</b>	)	
<b>Plaintiff,</b>	)	<b>CAUSE NO.: DC-19-012</b>
<b>-vs-</b>	)	
<b>CODY KLOTZ,</b>	)	<b>MINUTE ENTRY:</b>
<b>Defendant.</b>	)	<b>Status Hearing</b>

---

This is the time and place set for a status hearing. This Honorable Robert G. Olson presided over this hearing that was held in open court in the Teton County Courtroom. The Plaintiff was represented by Mr. Joe Coble, Teton County Attorney. The Defendant was present with his attorney, Ms. Meghan Lulf Sutton.

Mr. Coble indicated the parties have reached a resolution in which a Deferred Prosecution Agreement was reached and signed. As a condition of the Deferred Prosecution Agreement is that the Defendant will plead guilty to two of the misdemeanor charges, Eluding a Police Officer and Reckless Driving.

Ms. Lulf Sutton agreed and if Mr. Klotz pays off his fines in DC-18-030 within five (5) months, then the fines would run concurrently. By being incarcerated, he is not currently working at Sletten Construction and he may be able to return to work. She asked for the Court to run the fines concurrently with this matter as in DC-18-030. Her client is eligible to be released today if the mandatory minimum time of ten days be allowed to be ran concurrently with his previous sentence. Part of this Deferred Prosecution Agreement is that the Defendant cannot



**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 not present but was represented by her attorney Mr. Paul Neal, Public Defender.

Mr. Neal stated there is a global resolution to the matters in Teton County as well as in Glacier County. He received the Plea Agreements this morning by email but did not get a chance to print them out prior to Court. He asked the Court to continue this matter to be heard in conjunction with the two cases in Glacier County on the 25<sup>th</sup> of September. The State did not object; the motion was granted.

DATED this 24<sup>th</sup> day of September 2019.

---

<b>STATE OF MONTANA,</b>	)	
<b>Plaintiff,</b>	)	<b>CAUSE NO.: DC-19-007</b>
<b>-vs-</b>	)	
<b>BAYLEE JO RUSSELL,</b>	)	<b>MINUTE ENTRY:</b>
<b>Defendant.</b>	)	<b>Status Hearing</b>

---

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 not present but was represented by Mr. Paul Neal, Public Defender.

Mr. Neal stated there is a global resolution to the matters in Teton County as well as in Glacier County. He received the Plea Agreements this morning by email but did not get a chance to print them out prior to Court. He asked the Court to continue this matter to be heard in conjunction with the two cases in Glacier County on the 25<sup>th</sup> of September. The State did not object; the motion was granted.

DATED this 24<sup>th</sup> day of September 2019.

---

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

---

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.

Ms. Cross Guns stated her client told her he would sign the Plea Agreement but wished the Drug Treatment Court to be transferred to Shelby to Great Falls.

At the last hearing, it was indicated that if he did not appear, the Court will issue a Bench Warrant. Judge Olson will sign a Bench Warrant, once provided from the County Attorney's Office. Bond was requested to be set at \$20,000.

DATED the 24<sup>th</sup> day of September 2019.

---

<b>STATE OF MONTANA,</b>	)	
<b>Plaintiff,</b>	)	<b>CAUSE NO. DC-15-024</b>
<b>-vs-</b>	)	<b>MINUTE ENTRY:</b>
<b>ASHLEY MARIE CARVER,</b>	)	<b>Initial Appearance on the Petition for</b>
<b>Defendant.</b>	)	<b>Revocation of Suspended Sentence</b>

---

This is the date and time set for an initial appearance on the Petition for Revocation of Suspended Sentence filed by the State of Montana. 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. Ms. Cross Guns represented her previously; therefore, it is assumed she will be reappointed again.

The State asked the Court to issue a Warrant of Arrest with bond set at \$10,000.

DATED this 24<sup>th</sup> day of September 2019.

Court adjourned at 11:40 a.m.

---

Lisa J. Sinton, Clerk of Court