

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

Court convened at 10:00 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; Keith VanSetten, Teton County Sheriff; Kelsey McAlpine, Court Reporter; and Lisa Sinton, Clerk of Court.

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<b>STATE OF MONTANA,</b>	)	
<b>Plaintiff,</b>	)	<b>CAUSE NO. DC-19-022</b>
<b>-vs-</b>	)	<b>MINUTE ENTRY:</b>
<b>JAMES EDWIN BROOKS ,</b>	)	<b>Entry of Plea</b>
<b>Defendant.</b>	)	

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This is the time and place set for the Defendant to enter his plea to the charges. 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 on behalf of the State. The Defendant was present with his attorney Jeffry Olson, Public Defender.

The Defendant stated his name was James Edwin Brooks; he is not under the influence of alcohol; and he is not taking any medication or drugs that would affect his understanding of these procedures.

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

The Defendant understood his rights, as was previously advised on October 22, 2019.

With respect to Counts I and II, Criminal Possession of Dangerous Drugs, felonies; Counts III and IV, Criminal Possession with Intent to Distribute, felonies; Counts V and VI, Use or Possession of Property Subject to Criminal Forfeiture, felonies, the Defendant entered his plea of “not guilty” to all counts.

The Court noted his not guilty pleas and set an Omnibus Hearing for December 3, 2019, at 10:00 a.m. If counsel completes the form prior to the date of the hearing, the hearing will be vacated. The Defendant did not need to be present for this hearing unless his counsel requests him to be present.

Bail is set at \$50,000. Mr. Olson requested an own-recognizance release or a reduction in bail. Argument was presented as follows: the Defendant has no funds to pay this amount; the Defendant intends to reside and work for his cousin, Brent Guntroe (spelling unknown) in Great Falls; his girlfriend resides in Great Falls; he has connections to this area of Montana; he admits that he has had one felony conviction on his record from the State of Minnesota for theft; he is not a registered violent offender, he is not a flight risk and he is willing to be present at all Court hearings.

The State objects for these reasons: (1) the State does not know anything about his cousin; (2) the Defendant’s girlfriend, who is also a co-defendant, also resides in Great Falls and they are ordered to not have any contact with each other; (3) the defendant admitted that he was not to be in Montana at all while he is on probation in Minnesota; and (4) it is alleged that he had

possession of methamphetamine and heroin on him at the time the arrest took place. The bond imposed of \$50,000 is appropriate.

Mr. Olson stated that the Defendant knows he is not to have any contact with his girlfriend. He intends to talk to the Defendant's cousin and will provide the address to the State.

The Court denied the Defense's Motion but allowed Mr. Olson to file a supplemental Motion to provide more detailed information regarding his living arrangements, his employment situation, more information on the Minnesota conditions of probation, etc. The State will be allowed time to respond to the Motion.

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

Conditions of bail are set forth in the Warrant of Arrest. The Court reviewed the conditions.

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

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<b>STATE OF MONTANA,</b>	)	
<b>Plaintiff,</b>	)	<b>CAUSE NO. DC-19-023</b>
<b>-vs-</b>	)	<b>MINUTE ENTRY:</b>
<b>RANDY LEE PLUMLEY,</b>	)	<b>Initial Appearance on Petition of</b>
<b>Defendant.</b>	)	<b>Revocation of Bond</b>

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This is the time and place set for an initial appearance of the Defendant on the Petition for Revocation of Bond 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. Ms. Jennifer Stutz, Deputy Teton County Attorney, represented the Plaintiff. The Defendant was present with his attorney Ms. Roberta Cross Guns, Public Defender.

Ms. Cross Guns stated the Defense does not dispute the allegations, but requests to present a remedy. The Defendant is required to wear a SCRAM unit, but he is helping to parent six children and money is tight. The Defendant turned himself in and has enough money today to pay what is owed on the SCRAM unit so that it can be re-activated today. Ms. Cross Guns asked for the Defendant's own-recognizance release so that he can go to Great Falls to obtain the funds and pay for the SCRAM unit.

The Court noted the Defendant is behind over \$900, which is over three months behind in payment and questions whether he will be able to pay the fee in the future months. Ms. Cross Guns stated her client has been picking up jobs to pay for the unit. He has made a commitment and will make a payment today to bring the balance to be paid in full.

The State requests the fee to be paid before he is released and there have been no other violations of the conditions.

The Court allowed the Defendant to be released on his own-recognizance but ordered the Defendant to comply with the conditions of his release. The Defendant must make pay his SCRAM fees within 24 hours and to reactivate the unit. He is to drop off his receipt for payment of the unit at the Sheriff's Office.

The original bond is reinstated, and conditions will be the same as previously imposed.

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

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<b>STATE OF MONTANA,</b>	)	
<b>Plaintiff,</b>	)	<b>CAUSE NO. 02-DC-008</b>
<b>-vs-</b>	)	<b>MINUTE ENTRY:</b>
<b>BRYAN KLINKER,</b>	)	<b>Evidentiary Hearing</b>
<b>Defendant.</b>	)	

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The is the date and time set for an evidentiary hearing. The Honorable Robert G. Olson presided over this hearing and it was held in open court of the Teton County Courtroom. The Plaintiff was represented by Mr. Joe Coble Teton County Attorney. The Defendant was present with his attorney, Mr. Kenneth Olson.

Mr. Coble understands that the Defendant is to admit to the allegations as stated in the Petition for Revocation of Suspended Sentence.

The Defendant stated his name was Brian Douglas Klinker; he is not under the influence of alcohol; and he is not taking any drugs or substances that would affect his understanding of today's proceedings.

The Court advised the Defendant of his rights; the Defendant understood his rights. He understands that he is going to change his plea under his own free will, he is satisfied with Mr. Olson's representation and he has answered his questions.

The Defendant entered a plea of "true" to the violations stated within the Petition.

Mr. Olson requested disposition be set in the future to allow the case filed against his client in Powell County to be resolved.

The Court set a disposition hearing for December 17, 2019, at 10:00 a.m.

The Court reminded the Defendant that he was still under the conditions of probation and parole. The Defendant understood.

DATED the 5<sup>th</sup> day of November 2019.

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<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>Sentencing</b>
<b>Defendant.</b>	)	

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This is the date and time set for sentencing of the Defendant. 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 present with his public defender, Ms. Roberta Cross Guns.

Ms. Cross Guns stated her client is in the process of taking the steps to be accepted into the Ninth Judicial District Drug Treatment Court.

The parties are prepared to proceed to sentencing.

No argument or witnesses were presented.

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

The Court has reviewed the Plea Agreement and the Pre-Sentence Investigation, and believes the recommendation is an appropriate resolution in this case.

It is the Judgment of the Court that with respect to Count I, Criminal Endangerment, the Defendant is sentenced to a four-year commitment to the Montana Department of Corrections. The Court suspended that sentence and will give the Defendant credit for one (1) day served. The Defendant is ordered to pay a \$5,000 fine with \$1,000 of the fine suspended. The Defendant is ordered to pay the statutory surcharges for a felony charge. Conditions of his suspended sentence will be the conditions as stated within the PSI, Conditions 1 through 30.

With respect to Count II, Aggravated Driving While Under the Influence of Alcohol, a misdemeanor, the Defendant is hereby sentenced to one (1) year in the Teton County Jail with all time suspended except for two (2) days. The Defendant will be credit for one (1) day already served. The Defendant must pay the statutory surcharges for a misdemeanor charge and no fines are ordered. Count II will run concurrently to Count I. The probation officer will set up a payment schedule for the Defendant to pay the fines.

The Defendant is allowed to spend the one-day jail time in the Toole County Jail. The Court ordered this to take place within 30 days.

The reasons for the sentence are as follows: it is a joint recommendation, the Defendant's prior record, the PSI, the Plea Agreement and he has taken the steps to enroll in the Ninth Judicial District Drug Treatment Court.

Upon Motion of the State, the Court dismissed all remaining counts.

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

Court adjourned at 10:45 a.m.

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Lisa J. Sinton, Clerk of Court