

**TETON COUNTY
DISTRICT COURT MINUTES – HELD IN OPEN COURT
Tuesday – November 19, 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; Bob Warehime, Teton County Sheriff; Kelsey McAlpine, Court Reporter; and Andrea Greyn, Deputy Clerk of Court.

NOTES FOR THE FILE ONLY: Minutes were taken by the Cascade County Clerk

STATE OF MONTANA,)	
Plaintiff,	)	CAUSE NO. DC-18-009
-vs-	)	MINUTE ENTRY:
LUKE DANIEL STYREN,	)	Hearing on Defendant’s Termination
Defendant.	)	from Veteran’s Treatment Court and
	)	Evidentiary/Dispositional Hearing

This is the time and place the Court set for a Termination Hearing from Veteran’s Treatment Court as well as an Evidentiary/Dispositional Hearing. This hearing began at 8:10 a.m. The Honorable Gregory G. Pinski presided over this hearing and appeared via Judicial Video Network from his Cascade County Courtroom. Appearing in the Teton County Courtroom were Mr. Fernando Terrones, Attorney for the Defendant for the Veteran’s Treatment Court and Mr. Sam Harris, Attorney for the Defendant in the Teton County District Court matter. Ms. Jennifer Stutz, Attorney for the State, was present with respect to the Evidentiary/Dispositional hearing. The Defendant was also present in the Teton County Courtroom.

The Court identified the parties.

The Defendant waived his hearing for termination from the Veteran’s Treatment Court. The Defendant and Mr. Terrones discussed, during this hearing, about the ability to waive his rights. He stated that he did not want to have a hearing before the termination from the Veteran’s Treatment Court.

The Court finds that Mr. Styren was apprised of his due process rights before termination from Veteran’s Treatment Court, he has had an opportunity to consult with counsel and has indicated that he wishes to waive that right. The Court granted the Petition for Termination from the Eighth Judicial District Veteran’s Treatment Court

With regard to the Evidentiary/Disposition Hearing, since the completion of the Veteran’s Treatment Court was a condition of his probation and the fact that he has been terminated from this Treatment Court, the Court typically takes judicial notice of that purpose for the evidentiary portion of the hearing. Ms. Stutz and Mr. Harris agreed for the Court to take judicial notice of the termination from the Veteran’s Treatment Court for purposes of the evidentiary hearing.

The Court revoked the Defendant's prior probationary sentence.

The State is prepared to proceed to disposition.

Mr. Harris, on behalf of his client, requested time to meet with his counsel prior to disposition. No objection from the State.

The Court granted the Defendant's request and will reset this matter for disposition on a later date. An Order from the Court will be forthcoming.

If the State is going to be recommending some type of commitment to the Montana Department of Corrections, the Court suggested the Defendant be screened for prerelease prior to the disposition hearing.

This hearing adjourned at 8:30 a.m.

DATED this 19th day of November 2019.

IN THE MATTER OF,

)

CAUSE NO. DJ-19-005

)

MINUTE ENTRY:

)

TRENTON EVANS,

)

Status Hearing

A Youth,

)

This is the time and place set for a Status Hearing of the Youth. 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, appeared on behalf of the State. The Youth was present with his court-appointed attorney, Mr. Sam Harris.

Ms. Stutz presented a signed Consent Decree for the Court's consideration.

The Court confirmed the Youth signed the decree as an admission that the facts that bring this case within the jurisdiction of the Court are true. Ms. Stutz agreed.

The Youth stated his name is Trenton Evans and he is 14 years old.

The Court reviewed the Consent Decree and the conditions stated within. The Youth stated he has read this agreement and has reviewed it with his attorney; he is familiar with the conditions stated within the Consent Decree; Ms. Harris has answered his questions and he is satisfied with his representation. He admitted to the facts stated within the Consent Decree.

The Youth understands that he is going to be on probation for one (1) year; there are counseling requirements, community service requirements, and restitution requirements. Mr. Harris stated he the Youth has been very involved as well as his parents. They understand the Consent Decree.

The Court explained the consequences should the Youth not follow the conditions stated within the agreement.

The Court approved the Consent Decree and ordered the Youth to comply with the provisions set forth within.

The Youth is to meet with Tasha Stiner, Juvenile Probation Officer, immediately following this hearing.

DATED this 19th day of November 2019.

IN THE MATTER OF,

)

COLE TROY,)
) CAUSE NO. DJ-19-006
) MINUTE ENTRY:
) Status Hearing Reset to
 A Youth,) December 3, 2019

The is the date and time set for a status hearing for the Youth, Cole Troy. 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 Ms. Jennifer Stutz Teton County Attorney. The Youth was not present and his attorney, Ms. Roberta Cross Guns, was also not present.

Ms. Stutz stated Ms. Cross Guns was not able to be present for this hearing and requested this hearing be reset for the next law and motion day. A Consent Decree has been provided and understands the Youth intends to sign the agreement.

The Court reset this status hearing to December 3, 2019, at 10:00 a.m.

DATED the 19th day of November 2019.

STATE OF MONTANA,)
 Plaintiff,) CAUSE NO. DC-19-025
)
 -vs-) MINUTE ENTRY:
 TREY J. McCULLOCH,) Initial Appearance
 Defendant.)

This is the date and time set for the initial appearance 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 without representation.

The Defendant stated his name for the Court was Trey McCulloch; he is not under the influence of alcohol; and he is not taking any medication or drugs that would affect his understanding of these proceedings.

The Court explained the procedures of this hearing.

The Defendant read the Information and waived the reading in open court.

The Court advised the Defendant of the maximum penalty for the alleged offense.

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

The Court set an entry of plea hearing for December 3, 2019. The Defendant and his court-appointed attorney must be present at this hearing.

The State requests bond continue at \$20,000.

The Court continued bond at \$20,000. When an attorney is appointed to represent the Defendant, the attorney may file a Motion for a Reduction of Bond and a hearing will be set regarding this Motion.

If the Defendant posts bail, he is to adhere to the conditions ordered by the Court. The Court stressed no contact with the alleged victims or witnesses. The Defendant signed his copy of the conditions.

The Court advised the Defendant of the consequences if he violates any of the conditions.
DATED this 19th day of November 2019.

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

This is the time and place set for a restitution hearing with respect to the youth, Kylee Rapp. 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, appeared on behalf of the State of Montana. The youth was not present. Ms. Amanda Marvin, the youth's court-appointed attorney, was present.

Yesterday, Ms. Marvin filed a Motion to Continue the restitution hearing with no objection from the State. The hearing was continued to December 17, 2019.

The youth signed a Deferred Prosecution Agreement and the only remaining item to be decided is restitution.

The Court vacated the trial date of December 26, 2019.

Ms. Marvin informed the Court that the attorney/client relation has been broken, and she has requested a new attorney be appointed to represent the youth.

DATED this 19th day of November 2019.

STATE OF MONTANA,)	
Plaintiff,	)	CAUSE NO. DC-19-024
-vs-	)	MINUTE ENTRY:
BILL E. FENNER,	)	Initial Appearance
Defendant.)	

This is the time and place set for the initial appearance of the Defendant, Bill E. Fenner. 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 and appeared without representation.

The Defendant stated his name was Bill Fenner; he is not under the influence of alcohol and he is not taking any medication or drugs that would affect his judgment.

The Court explained the procedures of an initial appearance and explained that an attorney will be appointed to represent him.

The Defendant has received a copy of the charging documents and waived the reading of the Information in open court.

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

A hearing for the Defendant's entry of plea was set for December 3, 2019, at 10:00 a.m.

The Defendant is appearing by Summons and is released on his own recognizance.

The Court continued the own-recognizance release and ordered conditions to be followed. The Defendant received a copy of the conditions.

The Court explained the consequences if the Defendant did not follow the conditions for his release.

DATED this 19th day of November 2019.

STATE OF MONTANA,)	
Plaintiff,	)	CAUSE NO. DC-19-003
)	
-vs-	)	MINUTE ENTRY:
CASEY MICHAEL FRICK,	)	Sentencing
Defendant.)	

This is the date and time set for a 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 County Attorney on behalf of Joe Coble, Teton County Attorney. The Defendant was present with his court appointed attorney, Ms. Amanda Marvin.

The Court summarized the joint recommendation.

The parties were prepared to proceed to sentencing.

Neither party called any witnesses to testify.

The State did not present argument

The defense agreed with the terms as stated within the Plea Agreement but did not agree with the victim impact statement attached to the PSI. The four items listed on the statement were not mentioned in the Information and this was the first time her client has seen these. She does not believe it is appropriate to order restitution for those items. The victim confirmed that the welder was recovered. The Court stated it cannot order restitution for anything that was not listed in the charging document.

The State agreed.

The Court advised the Defendant that the victim may sue him civilly for the other items that are not listed in the Information. The Defendant understood.

The State is asking for \$500 in restitution to reimburse the pawn shop.

For his right of allocution, the Defendant stated he was sorry.

The Court has reviewed the Plea Agreement and the PSI and stated the Plea Agreement is an appropriate resolution to this matter.

It is the judgment of the Court, with respect to Count I, Burglary, a felony, to defer sentencing for a period not to exceed three (3) years. The conditions for the deferred sentence are set forth in the pre-sentence investigation and will be incorporated into the record. The Defendant must pay the \$500 he received for the pawned items. This amount must be paid to the Clerk of Court to reimburse the pawn shop. No fines were ordered but the mandatory surcharge of \$80 is to be paid. All financial obligations will be paid on a schedule set by the probation officer.

With respect to Count III, Theft, a felony, the Court deferred sentencing for a period not to exceed three (3) years. Count III will run concurrent to Count I. The Defendant must pay the surcharge for the second felony charge, but no other financial obligations were ordered.

The reasons for the sentence are as follows: his prior lack of a criminal record; joint recommendation of counsel; the PSI and the sentence is just under the circumstances.

The Court wants the parties to take care of the items that were listed in the victim impact statement that are not listed in the Information. The Judgment may be amended to allow anything to be added into the Information that was originally supposed to be in listed in the Information.

The Defendant was ordered to meet with the probation officer immediately following the hearing.

DATED this 19th day of November 2019.

STATE OF MONTANA,)	
Plaintiff,	)	CAUSE NO. DC-18-028
-vs-	)	MINUTE ENTRY:
JAMES CHRISTOPHER DAHL,	)	Court Set Change of Plea Hearing
Defendant.	)	for December 13, 2019

This is the time and place set for a status hearing. 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 his court-appointed attorney, Ms. Amanda Marvin.

A trial date is set for December 13, 2019.

Ms. Marvin stated they have a Plea Agreement and her client was going to be present to do a change of plea, but his transportation means fell through. She requested to set a change of plea for the next law and motion date.

The Court set a change of plea hearing for December 3, 2019, at 10:00 a.m. and ordered the Defendant to be present at this hearing.

The Court vacated the trial date.

DATED this 19th day of November 2019.

STATE OF MONTANA,)	
Plaintiff,	)	CAUSE NO. DC-18-026
-vs-	)	MINUTE ENTRY:
CODY ANN CARAVEO,	)	Change of Plea Hearing
Defendant.)	

This is the time and place set for a change of plea hearing. 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 on behalf of Joe Coble, County Attorney. The Defendant was present with his court-appointed attorney, Mr. Sam Harris.

The Court summarized the Plea Agreement and explained the procedures of this hearing.

The Defendant stated her name was Cody Ann Caraveo; she is not under the influence of alcohol; she is not taking any medication or drugs that would affect her judgment.

The Court advised her of the rights she currently has and the rights she is giving up by changing her plea.

The Defendant stated she signed the Plea Agreement and Acknowledgment under her own free will and without being promised something other than what is listed in the agreement or coerced into signing the agreement. Mr. Harris has answered her questions and she is satisfied with his representation.

With respect to Count I, Theft by Accountability, a felony, the Defendant changed her plea to “guilty”.

The Defendant was duly sworn, and a factual basis was provided that satisfied the State and the Court.

Based upon her testimony, the Court finds that there is a factual basis for the plea of guilty. The Court accepted her plea of guilty.

The Court ordered a pre-sentence investigation and set sentencing for December 17, 2019, at 11:00 a.m.

The Defendant is required to meet with the probation officer to begin the process of the investigation.

DATED this 19th day of November 2019.

STATE OF MONTANA,)	
Plaintiff,	)	CAUSE NO. DC-19-020
-vs-	)	MINUTE ENTRY:
DEREK CASPER PETERSON,	)	Hearing on State’s Motion to Amend
Defendant.	)	Conditions of Bail

This is the time and place set for a hearing on the State’s Motion to Amend the Conditions of Bail. 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 with his court-appointed attorney, Mr. Sam Harris.

Ms. Stutz requested the Court grant her motion to not allow the Defendant to drive during the pendency of this action. She cites public safety.

Mr. Harris objects to the State’s Motion as the SCRAM unit continuously monitors his client’s alcohol usage, which was the reason for filing of the Information. His driver’s license is not suspended, and driving is a necessity for daily life in Montana.

The Court will take the Motion under advisement

DATED this 19th day of November 2019.

Court recessed at 11:15 a.m.

Court reconvened at 2:00 p.m.

RICHARD M. OTHUS,)	
	)	CAUSE NO. DV-19-036
Plaintiff,)	
	)	MINUTE ENTRY:
-vs-)	
	)	Hearing on Defendant’s Motion to
REAL ESTATE MANAGEMENT	)	Dismiss
SPECIALISTS, INC., AND SKYLINE)	
LODGE, INC.,)	
)	
Defendants.)	

This is the time and place set for an oral argument regarding the Defendant’s Motion to Dismiss. This hearing was held in open court in the Teton County Courtroom with the Honorable Robert G. Olson presiding. The Plaintiff was present and appeared without representation. The Defendants were present with their attorney, Ms. Jennifer Stutz.

Ms. Stutz filed a Motion to Dismiss the action as this is the fourth complaint filed by the Defendant regarding essentially the same issue. She requested the Court to take judicial notice of DV-17-015, in which the Defendant raised the breach of contract based on the same issue. With that case, the Court issued a dismissal without prejudice. The Plaintiff filed DV-17-017 again claiming a breach of contract with the same issues. The Court dismissed the second complaint. In DV-19-036, the Defendant raised the same issues and is calling it fraud. Exhibits have been filed in which the Plaintiff has made known his intention to keep pursuing litigation regarding this issue and stating “whatever it takes” at the expense of her client. He had made it his mission to continue to harass and file frivolous law suits. She requested the Court find him a vexatious litigant and bar him from further filings without a bond. He should also be ordered to pay attorney’s fees.

Mr. Othus presented his argument in objection to the Motion. He stated the Defendant’s counsel has skirted the issue of premeditated fraud. He also stated Ms. Stutz did not include all the correspondence between the parties within her list of exhibits. At this time, he presented a letter written to Opportunities, Inc., dated July 2, 2019. The Court assigned this exhibit as Plaintiff’s Exhibit 1. Mr. Othus stated this is a cover-up by not replying to this specific letter. The eviction rule was not followed in HUD Law. He stated he was mistreated and humiliated, and he filed the complaint on behalf of a 93-year-old lady. The Court corrected the Plaintiff by stating he can mention her name, but he cannot file a complaint on her behalf. The Plaintiff understood.

The Plaintiffs agreed to the following: this is his fourth complaint that he filed; all the actions stem from the conditions while living at the Skyline Lodge; the previous complaints cited a breach of contract and this complaint is fraud; he was not told that the noisy air conditioning units were the responsibility of the tenants and they are permanently installed. Mr. Othus stated his eviction was very humiliating and very costly, and it did not help his health.

The Court questioned if he was thrown out of Skyline Lodge in retaliation for the filing of his Complaints. The Plaintiff agreed and stated the minute they started the eviction process, they quit doing anything to help with the air conditioning units. His main complaint is the violation of Montana Law and Federal Hud Section 8 Rules, as he did not receive a reason for eviction; he was just evicted. They did not renew his lease.

Ms. Stutz presented final argument. She clarified that he was not evicted but Skyline Lodge decided to not renew his lease because he expressed to the management company and within his Complaints that was not happy. They tried to make him happy but to no avail. He had to be sued as a hold-over tenant and then be removed. He continues to harass her client. She again requested sanctions and attorney's fees.

The Court will take this matter under advisement and an order will be filed within the next two to three weeks.

DATED this 19th day of November 2019.

Court adjourned at 2:30 p.m.

Lisa J. Sinton, Clerk of Court