

**TETON COUNTY
DISTRICT COURT MINUTES – HELD IN OPEN COURT
Tuesday – December 3, 2019**

Court convened at 10:15 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; Kelsey McAlpine, Court Reporter appeared via Judicial Video Network from the Toole County Courthouse; and Lisa Sinton, Clerk of Court.

STATE OF MONTANA,)	
Plaintiff,	)	CAUSE NO. DC-19-029
-vs-	)	MINUTE ENTRY:
DAVID PAUL PALACIOS,	)	Initial Appearance and Entry of
Defendant.	)	Plea

This is the time and place set for the 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. Ms. Jennifer Stutz, Deputy Teton County Attorney, appeared on behalf of the Plaintiff. The Defendant was present and was represented by Ms. Roberta Cross Guns, who is not formally appointed, but stood in for the Office of Public Defender.

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

Ms. Cross Guns stated she has advised the Defendant to enter a plea of not guilty so she can address the issue of the \$40,000 bond.

The Defendant requested the Court read the Information in open court.

The Defendant was advised of his rights; he stated he understood his rights.

The Court recessed from 10:25 a.m. to 10:30 a.m.

With respect to Count I, Aggravated Burglary, a felony, the Defendant entered a plea of not guilty.

With respect to Count II, Robbery a felony, the Defendant entered a plea of not guilty.

With respect to Count III, Theft, a felony, the Defendant entered a plea of not guilty.

His not guilty pleas were noted for the record, and an Omnibus Hearing was set for January 7, 2020 at 10:00 a.m. The Defendant was advised that he was not ordered to attend this hearing.

With respect to bond, Ms. Cross Guns stated the Defendant has no assets or assistance to pay the \$40,000 bond. The Defendant resides in Great Falls at 622 Madison Avenue but wants to visit his kids in Clinton and live here. She asked for an own-recognizance release.

The State objects as he is a convicted felon out of Missoula County; he has absconded from probation; he has failed to appear in Great Falls City Court; has proven to be untruthful and is a flight risk. She asked the Court to leave bail at \$40,000, although she feels it should be higher.

The Defendant stated he was held in the county jail for 30 days; the felony charge was discharged; he knows that he has a prior criminal record and understands it is something the

Court can consider when sending bond. He wants to keep his promise to his children to be with them today in Missoula.

The Court will leave bond at \$40,000. The conditions of bond are listed in the Order and signed to by the Defendant. No other conditions were required by the State.

The Court advised the Defendant of the consequences if he posts bond but does not follow the conditions. Ms. Cross Guns understood that she may file a written Motion to Reduce Bond to have this issue brought before the Court again.

DATED this 3rd day of December 2019.

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

This is the date and time set for the Defendant's entry of plea. 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 appeared via Judicial Video Network from the Chouteau County Courthouse while his attorney, Ms. Roberta Cross Guns, was present in the Teton County Courtroom.

Ms. Cross Guns stated she has not had a chance to meet with the Defendant but recommends he enter a plea of not guilty to the charges.

The Defendant waived the advisement of his rights as they were previously advised.

With respect to Count I, Sexual Abuse of Children, a felony, the Defendant entered a plea of not guilty. His plea was noted by the Court.

The Court set an Omnibus Hearing for January 7, 2020, at 10:00 a.m. The Defendant was advised that he was not required to attend this hearing. The form may be exchanged and completed prior to the hearing; if done so, the hearing will be vacated.

Regarding the bond amount of \$20,000, Ms. Cross Guns requested the Court reduce that amount, perhaps to \$2,500.

The State objects to the reduction of bond based on the seriousness of the allegation. In addition, the Defendant needs to provide a residence.

The Defendant stated he can live with his grandparents in Dutton. It was noted that his grandfather was present in the Teton County Courtroom.

The Court lowered the bond amount to \$5,000 cash or commercial with standard conditions for his release as previously discussed. It was stressed that he is not to have any contact with children under the age of 18.

If the Defendant posts bond, he was ordered to supply an address where he will be living to his attorney who will provide it to Ms. Stutz.

The Court advised the Defendant of the consequences should he violate any of the conditions of his release.

An Amended Conditions Order will be provided.

DATED this 3rd day of December 2019.

STATE OF MONTANA,)	
Plaintiff,	)	CAUSE NO. DC-19-026
-vs-	)	MINUTE ENTRY:
LEANNA LYNN LONGKNIFE,	)	Initial Appearance
Defendant.)	

This is the date and time set for the initial appearance of the Defendant, Leanna Lynn Longknife. This hearing was held in open court in the Teton County Courtroom with the Honorable Robert G. Olson presiding. Ms. Jennifer Stutz, Deputy Teton County Attorney, was present on behalf of the State of Montana. The Defendant appeared via Judicial Video Network from the Chouteau County Courtroom. Her attorney, Mr. Todd Glazier, was not present.

Ms. Stutz noted that Mr. Glazier was just appointed to this case late yesterday afternoon.

The Defendant stated her name was Leanna Lynn Longknife; she is not under the influence of alcohol and is not taking any medication that would affect her judgment.

The Court explained the procedures of this hearing but will not allow the Defendant to enter a plea until she has had a chance to talk with her attorney.

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

The Court advised the Defendant of her rights; she stated she understood her rights.

The Court set an entry of plea hearing for December 17, 2019, at 10:00 a.m.

Bond will continue at \$10,000 and the Court reviewed the conditions of her release if she is able to post bond. A copy will be provided to Mr. Glazier.

Ms. Stutz stated the Defendant's license has been revoked; therefore, she requested an additional condition be ordered that she not be allowed to drive. Her motion was granted by the Court.

The Court explained the consequences should he post bond and violate the conditions of her release. The Defendant understood.

DATED this 3rd day of December 2019.

STATE OF MONTANA,	)	TOOLE COUNTY
Plaintiff,	)	CAUSE NO. DC-18-049
-vs-	)	MINUTE ENTRY:
ECHO CHERIE NORTON,	)	Sentencing
Defendant.)	

This is the date and time set by the Court for sentencing of the Defendant. This hearing was held in open court in the Teton County Courtroom and is heard at the same time as Teton County DC-19-018. The Honorable Robert G. Olson presided over this hearing. The Plaintiff was represented by Ms. Jennifer Stutz, Deputy Teton County Attorney. The Defendant was present with her court-appointed attorney, Mr. Glen Neier.

The parties are prepared for sentencing.

Neither party called any witnesses to testify or presented argument.

Ms. Norton did not offer a comment to the Court prior to sentencing.

The Court has reviewed the Plea Agreement and the Pre-Sentence Investigation in this matter and finds the agreed-upon resolution to be appropriate.

It is the judgment of the Court that with respect to Count I, Obstructing Justice, a felony, the Defendant is hereby sentenced to a three-year commitment to the Montana Department of Corrections. The Defendant will receive credit for all time served relative to this charge. The Court did not order any fines, fees or surcharges. There is not a suspended portion to her sentence; therefore, no conditions will be imposed.

The reasons for the sentence are as follows: joint recommendation of counsel; prior criminal record; PSI; nature of the offense and the Court believes the sentence is appropriate under the circumstances.

Mr. Neier stated the PSI contains a wrong social security number. He provided the correct number to Jenn Gold, Probation Officer.

The Defendant was remanded to the Department of Corrections to begin her sentence.

DATED this 3rd day of December 2019.

STATE OF MONTANA,)	
Plaintiff,	)	CAUSE NO. DC-19-018
-vs-	)	MINUTE ENTRY:
ECHO CHERIE NORTON,	)	Sentencing
Defendant.)	

This is the date and time set by the Court for sentencing of the Defendant. This hearing was held in open court in the Teton County Courtroom. The Honorable Robert G. Olson presided over this hearing. The Plaintiff was represented by Ms. Jennifer Stutz, Deputy Teton County Attorney. The Defendant was present with her attorney Mr. Glen Neier.

The parties are prepared for sentencing.

Neither party called any witnesses to testify or presented argument.

Ms. Norton did not offer a comment to the Court prior to sentencing.

The Court has reviewed the Plea Agreement and the Pre-Sentence Investigation in this matter and finds the resolution provided in the Plea Agreement to be appropriate.

It is the judgment of the Court that with respect to Count I, Criminal Endangerment, a felony, the Defendant is hereby sentenced to a four-year commitment to the Montana Department of Corrections. This matter will run concurrent to the three-year Montana DOC sentence imposed in Toole County DC-18-049. The Defendant will receive credit for all time served relative to this charge. The Court did not order any fines, fees, surcharges or restitution. Since there is not a suspended portion to her sentence, no conditions will be imposed.

The reasons for the sentence are as follows: joint recommendation of counsel; prior criminal record; PSI; nature of the offense and Court believes the sentence is appropriate under the circumstances.

The State moved to dismiss all remaining counts; no objection and Motion granted.

The Defendant was remanded to the Department of Corrections to begin serving her sentence.

DATED this 3rd day of December 2019.

STATE OF MONTANA,)	
Plaintiff,	)	CAUSE NO. DC-19-027
-vs-	)	MINUTE ENTRY:
SCOTT LANE MERRILL,	)	Initial Appearance and Entry
Defendant.	)	of Plea

This is the time and place set for the initial appearance of the Defendant, Scott Lane Merrill. This hearing was held in open court in the Teton County Courtroom with the Honorable Robert G. Olson presiding. The State of Montana was represented by Ms. Jennifer Stutz, Deputy Teton County Attorney. The Defendant was present and Ms. Roberta Cross Guns stated she has been appointed to represent Mr. Merrill.

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

The Court explained the procedures of this hearing.

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

The Court advised the Defendant of the maximum penalties associated with each charge.

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

With respect to Count I, Sexual Intercourse Without Consent, a felony; Count II, Failure to Give Notice of Change of Residence for Violent Offender Registration, a felony; and Count III, Failure to Return Registration Verification, a felony, the Defendant entered a plea of not guilty to each count.

The Court noted the Defendant's entry of pleas for the record and set an Omnibus Hearing for Tuesday, January 7, 2020, at 10:00 a.m. The Defendant is not required to be present at this hearing. Counsel may complete the form prior to the hearing. By doing so, the hearing will be vacated.

Bond is currently set at \$100,000. The Court will allow Ms. Cross Guns to file a Motion to Reduce Bond and a hearing will be set regarding this issue.

Ms. Stutz stated the Defendant is currently on probation and requested the Court to Order the rules of Probation and Parole. Conditions of bail were ordered, signed by the Defendant and distributed. The Court emphasized that there is to be no contact with the victim.

DATED this 3rd day of December 2019.

STATE OF MONTANA,)	
Plaintiff,	)	CAUSE NO. DC-18-014
-vs-	)	MINUTE ENTRY:
SCOTT LANE MERRILL,	)	Initial Appearance on State's

Defendant.) **Petition for Revocation**

This is the time and place set for the initial appearance of the Defendant, Scott Lane Merrill with respect to the Petition for Revocation of Suspended Sentence. This hearing was held in open court in the Teton County Courtroom with the Honorable Robert G. Olson presiding. The State of Montana was represented by Ms. Jennifer Stutz, Deputy Teton County Attorney. The Defendant was present and Ms. Roberta Cross Guns stated she has been appointed to represent Mr. Merrill.

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

The Court explained the procedures of this hearing.

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

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

With respect to the allegations of the following: Failure to Give Notice of Change of Residence for Violent Offender Registration, a felony and Failure to Return Registration Verification, a felony, the Defendant denied the allegations.

The Court noted the Defendant's denials to the allegations and set an Evidentiary Hearing for Tuesday, February 4, 2020, at 11:00 a.m. Bond will continue in the amount of \$100,000 and is concurrent to DC-19-027.

DATED this 3rd day of December 2019.

STATE OF MONTANA,)	
Plaintiff,	)	CAUSE NO. DC-19-024
-vs-	)	MINUTE ENTRY:
BILL E. FENNER,	)	Entry of Plea/Omnibus Hearing Set
Defendant.)	

This is the time and place set for an entry of plea. 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 with Ms. Roberta Cross Guns, his appointed attorney.

The Defendant understood his rights as previously advised on November 19, 2019.

With respect to Count I, Issuing a Bad Check, a felony, the Defendant entered a plea of not guilty.

The Court noted his entry of plea for the record and set an Omnibus Hearing for January 7, 2020, at 10:00 a.m. The Defendant was advised that he did not need to be present for this hearing. Counsel may complete the omnibus form and return it to the Court prior to the hearing. If received, the Court will vacate the hearing date and time.

DATED this 3rd day of December 2019.

STATE OF MONTANA,)

Plaintiff,) **CAUSE NO. DC-19-005**
)
-vs-) **MINUTE ENTRY:**
GREGG ALLEN THOMPSON,) **Sentencing**
Defendant.)

This is the time and place 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. The Defendant was present with his court appointed attorney, Ms. Roberta Cross Guns.

Ms. Stutz summarized for the Court whereby Mr. Thompson signed a Plea Agreement stating he will plea guilty to DUI, 4th or Subsequent Offense. Due to problems with the Drug Treatment Court, the State has modified that agreement. In doing so, the State amended the charge to Criminal Endangerment. Ms. Stutz stated an Amended Plea Agreement on file. Mr. Thompson needs to enter a plea to the Amended Information and proceed to sentencing.

Ms. Cross Guns stated her client has been accepted to the Drug Treatment Program in Cascade County.

On behalf of her client, Ms. Cross Guns requested the Court waive the advisement of Mr. Thompson's rights and the reading of the Petition in open court.

With respect to Count I of the Amended Information charging the Defendant with Criminal Endangerment, a felony, the Defendant entered a plea of guilty.

The Defendant requested to proceed directly to sentencing.

The Court has reviewed the pre-sentence investigation and the Plea Agreement and is willing to allow the Defendant to attend the Drug Treatment Court under the direction of Judge Pinski. The participation in Drug Court and not being incarcerated is a privilege. His participation and success in Drug Court should keep him out of jail and keep him from committing any drinking and driving-related offenses in the future.

Neither party called any witnesses to testify or any additional argument.

It is the judgment of the Court that with respect to the offense of Criminal Endangerment, a felony, the Defendant is sentenced to a four (4)-year commitment to the Department of Corrections with all-time suspended. Credit for time served will be granted. The Court ordered a \$5,000 fine plus surcharges but suspended \$1,000 of the fine. The Defendant must pay all court surcharges relative to a felony charge. The conditions of his sentence are the conditions set forth in the pre-sentence investigation and are incorporated into the judgment.

The Court stated that once the Defendant is accepted and attend the Drug Treatment Court in the Eighth Judicial District Court, Judge Pinski usually requests that the case be transferred to him.

The reasons for the Court's sentence are as follows: joint recommendation of counsel; the pre-sentence investigation, and the Court is willing to give Mr. Thompson the opportunity to take care of his issues in the Eighth Judicial District Drug Treatment Court.

The State moved to dismiss all the remaining counts in the Amended Information. The Court granted the motion.

DATED this 3rd day of December 2019.

STATE OF MONTANA,)	
Plaintiff,	)	CAUSE NO. DC-16-023
-vs-	)	MINUTE ENTRY:
JAYD WADE McKAY,	)	Initial Appearance on Petition
Defendant.	)	for Revocation

This is the time and place set for an initial appearance on the Petition for Revocation of Deferred Sentence. 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 and was represented by Ms. Roberta Cross Guns.

The Defendant stated his name was Jayd Wade McKay; 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 this hearing.

The Court advised him of his rights; he understood his rights.

Ms. Cross Guns stated she would appear as his attorney of record.

With respect to the alleged violations of Count I, the Defendant must seek and maintain employment; Count II, the Defendant shall comply with all sanctions given as a result of an intervention; and the Defendant shall enter and successfully complete sexual offender treatment, the Defendant denied the allegations. The Court noted the denials for the record.

The Court set an evidentiary hearing for Tuesday, January 7, 2020, at 11:00 a.m.

The Court reminded the Defendant that his current probation and parole conditions are still in effect and he was ordered to comply with the conditions.

DATED this 3rd day of December 2019.

IN THE MATTER OF,)	
	)	CAUSE NO. DJ-19-006
COLE TROY,	)	MINUTE ENTRY:
	)	Status Hearing Continued
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 not present, but he was represented by his court-appointed attorney, Ms. Roberta Cross Guns.

Ms. Stutz and Ms. Cross Guns stated the Youth signed the Consent Decree but requested to continue this hearing to the next law and motion to present it to the Court.

The Court continued this status hearing/entry of Consent Decree to December 17, 2019, at 10:00 a.m.

Ms. Cross Guns moved to vacate the jury trial scheduled for December 26, 2019. The Court granted her motion.

DATED this 3rd day of December 2019.

STATE OF MONTANA,)	
Plaintiff,	)	CAUSE NO. DC-18-028
-vs-	)	MINUTE ENTRY:
JAMES CHRISTOPHER DAHL,	)	Change of Plea Hearing Continued
Defendant.)	

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 present and his court-appointed attorney, Ms. Amanda Marvin, was to appear via telephone.

Ms. Marvin contacted Ms. Stutz indicating that her client was having trouble getting to this hearing. Ms. Stutz requested the hearing be continued to the next law and motion day. The Court granted her motion and reset the change of plea hearing to December 17, 2019, at 10:00 a.m.

The trial date was previously vacated.

DATED this 3rd day of December 2019.

Court recessed at 11:30 a.m. and the rest of the hearings were closed hearings.

Lisa J. Sinton, Clerk of Court