

APPLICATION FOR

**DISTRICT COURT JUDGESHIP
First Judicial District**

A. PERSONAL INFORMATION

1. Full Name: Mary Elizabeth Cochenour
 - a. What name do you commonly go by? Mary
2. Birthdate: [REDACTED] Are you a U.S. citizen? Yes.
3. Home Address:
[REDACTED]
Phone: [REDACTED]
4. Office Address:

850 South Hoback, Helena MT, 59601
Phone: (406) 465-4544
5. Length of residence in Montana: 18 years
6. Place of residence for the last five years:

2006-Present: Helena, Montana

B. EDUCATIONAL BACKGROUND

7. List the names and location of schools attended beginning with high school:

<u>Name</u>	<u>Location</u>	<u>Date of Degree</u>	<u>Degree</u>
Rochester High School	Rochester, Michigan	—	—
Irvine High School	Irvine, California	1988	High School Diploma

University of Nevada	Reno, Nevada	2001	Bachelor of Arts, Journalism/Business
Alexander Blewett III School of Law, University of Montana	Missoula, Montana	2005	Juris Doctor

8. List any scholarships, awards, honors and citations that you have received:

2018 Pro Bono Publico Award, First Judicial District Bar Association

2018 Prosecutor of the Year, Award of Distinction, Coalition Against Insurance Fraud

2015 Montana Department of Justice, Award for Exemplary Work on Behalf of the People of Montana

2001 Paul Laxalt Writing Award, University of Nevada, Reno

9. Were you a member of the Law Review? If so, provide the title and citation of any article that was published and the subject area of the article.

No.

C. PROFESSIONAL BACKGROUND AND EXPERIENCE

10. List all courts (including state and federal bar admissions) and administrative bodies having special admission requirements in which you are presently admitted to practice, giving the dates of admission in each case.

<u>Court or Administrative Body</u>	<u>Date of Admission</u>
State Bar of Montana	May 2006
State Bar of Nevada (currently inactive)	October 2005
United States District Court, District of Nevada	November 2005

11. Indicate your present employment. (List professional partners or associates, if any).

Gaia GPS, Content Manager. Gaia GPS is an outdoor tech firm that created and designed an app for backcountry navigation.

12. State the name, dates and addresses of law firms with which you have been associated in practice, governmental agencies or private business organizations in which you have been employed, periods you have practiced as a sole practitioner, and other prior practice:

<u>Employer's Name</u>	<u>Position</u>	<u>Dates</u>
Gaia GPS	Content Manager	Jan. 2020-Present
Montana Attorney General's Office	Assistant Attorney General	2012-Dec. 2019
Lewis and Clark County Attorney's Office	Deputy County Attorney	2008-2012
Office of the State Public Defender	Assistant Public Defender	2007-2008
Montana Supreme Court, Hon. Brian Morris	Law Clerk	2006-2007
Second Judicial District Court of Nevada, Hon. Steven P. Kosach	Law Clerk	2005-2006
Yellowstone County Attorney's Office	Legal Intern, Civil and Criminal	Summers 2003-2004
Missoula County Attorney's Office	Legal Intern, Criminal Division	2004
Reno Gazette-Journal	Journalist	2000-2002
Tahoe Daily Tribune	Journalist	1999-2000
U.S. Forest Service, Lake Tahoe Basin	Wilderness Ranger	1992-1999
Heavenly Ski Resort	Ski Patrol	1988-1997
Canyoneers Inc.	Grand Canyon River Guide	1988-1992

13. If you have not been employed continuously since completion of your formal education, describe what you were doing.

I have maintained continuous employment since the completion of my formal education.

14. Describe the nature of your present law practice, listing the major types of law that you practice and the percentage each constitutes of your total practice.

I am not currently practicing law. In January 2020, I accepted a position as Content Manager at Gaia GPS, an outdoor tech firm. My duties include writing and editing copy for the company, producing and hosting the company's Out and Back podcast, and managing a team of contract writers to produce compelling stories of interest to our customers.

From 2005-2019 my legal practice consisted primarily of:

95% Criminal Law

- Prosecution
- Defense for one year

5% Civil Law

- A few pro bono divorce cases and parenting plans
- A few civil litigation cases, drafting summary judgment briefs, answering complaints, drafting complaints
- Post-conviction proceedings
- Youth in Need of Care proceedings, both as representative for DPHHS and public defender representing parents
- Mental commitment proceedings, both as prosecutor and public defender
- Guardianship proceedings

15. List other areas of law in which you have practiced, including teaching, lobbying, etc.

Recent Teaching Experience:

- Mental Disease or Defect in Criminal Law, Montana County Attorney's Association (2019)
- Sexual Assault Prosecution, Prosecutor's Boot Camp (2019)
- Expert Witnesses in Sexual Assault Prosecutions, Montana Coalition Against Domestic and Sexual Violence (2018)

Recent Testimony before Legislative Bodies:

- 2019 Session: I appeared before Senate and House committees on behalf of the Attorney General's Office and testified on a variety of criminal law bills related to Elder Abuse and Sexual Assault crimes.
- 2017 Session: I appeared before Senate and House committees on behalf of the Attorney General's Office and testified on a variety of criminal law bills related to Sexual Assault crimes.

16. If you specialize in any field of law, what is your specialty?

My specialty is criminal law, including violent crimes such as complex homicide, sexual assault, and domestic violence cases.

17. Do you regularly appear in court?

Before January 2020, when I accepted employment in the business sector, I appeared several times per month in Montana's District Courts. From Wolf Point to Helena, I have broad experience with Montana's District Courts and Judges. My last jury trial lasted a week in November 2019 in Virginia City, Madison County, Montana.

What percentage of your appearance in the last five years was in:

Federal court: 0%

State or local courts of record: 100% in District Courts of Montana

Administrative bodies: 0%

Other: 0%

18. During the last five years, what percentage of your practice has been trial practice? 100%

19. How frequently have you appeared in court? 3-10 times per month on average.

20. How frequently have you appeared at administrative hearings?

I have appeared a handful of times before the Parole Board and Sentence Review Committee.

21. What percentage of your practice involving litigation has been:

Civil	2 %
Criminal	98 %
Other	0 %

22. Have you appeared before the Montana Supreme Court within the last five years? If so, state the number and types of matters handled. Include the case caption, case citation (if any), and names, addresses and phone numbers of all opposing counsel for the five most recent cases.

No. Appeals of criminal cases I prosecuted are handled by the Appellate Division of the Attorney General's Office.

23. State the number of jury trials that you have tried to conclusion in the last ten years.

I have tried approximately 18 felony jury trials to conclusion in Montana District Courts in the last 10 years. At least three of those trials lasted two to three weeks in duration. Most trials were complex criminal cases involving homicide or sexual assault charges. Some cases involved the prosecution of a local official such as an elected Sheriff or a County Commissioner. As recently as November 2019, I tried a week-long jury trial against the former Sheriff of Madison County, who had made a false statement on a search warrant.

24. State the number of non-jury trials that you have tried in the last ten years.

I have not tried a bench trial in the last 10 years.

25. State the names, addresses and telephone numbers of adversary counsel against whom you have litigated your primary cases over the last two years. Include the caption, dates of trial, and the name and telephone number of the presiding judge. If your practice does not involve litigation, provide the same information regarding opposing counsel and the nature of the matter.

Adversary Counsel: Todd Whipple

251 Edelweiss Drive Suite 2, Bozeman, MT 59718
(406) 581-4651

Caption: *State of Montana v. Roger Thompson, DC-29-2018-20 (Official Misconduct)*
Jury Trial, November 4 -8, 2019, guilty on one count and hung jury on two counts.
Presiding District Court Judge: Hon. Kathy Seeley
(406) 447-8209

Adversary Counsel: Jon Smith

315 W. Pine St., Missoula, MT 59802
(406) 721-0300

Caption: *State of Montana v. Patrick McGree, DC-17-303 (Sexual Assault, 6 victims)*
Resolved by Plea Agreement, Sentencing on May 1, 2019.
Presiding District Court Judge: Hon. Kathy Seeley
(406) 447-8209

Adversary Counsel: Greg Jackson and Craig Shannon

Greg Jackson
320 11th Ave., Helena, MT 59601
(406) 443-2140

Craig Shannon
240 East Spruce St., Missoula, MT 59802- 4502
(406) 542-7500

Caption: *State of Montana v. Lloyd Barrus, CDC-17-15 (Deliberate Homicide)*
Contested *Sell* Hearing, July 2017-December 2019.
The case is ongoing. The Court ruled on the *Sell* hearing in April 2019.
Presiding District Court Judge: Hon. Kathy Seeley
(406) 447-8209

Adversary Counsel: Wendy Holton

7 W. 6th Ave., Helena, MT 59601
(406) 442-9349

Caption: *State of Montana v. Tyler Kenneth Wood, DDC-2019-439 (Felony Theft)*
Resolved by Plea Agreement: October 1, 2019 to November 14, 2019
Presiding District Court Judge: Hon. Judge James P. Reynolds
(406) 447-8264

Adversary Counsel: Eldena Bear Don't Walk

723 5th Ave. E., Suite 100, Kalispell MT 59901
(406) 883-6080

Caption: *State of Montana v. Danielle Wood, DC-19-07 (Deliberate Homicide)*
Contested Bail Hearing, Bail Denied November 19, 2019
Presiding District Court Judge: Hon. D. Kim Christopher

(406) 883-7360

Adversary Counsel: Hon. Kadee Snipes Ruiz

314 4th St., Havre, MT 59501

(406) 265-5481

Caption: *State of Montana v. Roger Cruz, DC-17-06 (Sexual Intercourse Without Consent)*

Jury Trial, September 17, 2018-September 21, 2018, guilty of alternative charge of Sexual Assault

Presiding District Court Judge: Hon. David Cybulski

(406) 765-3421

26. Summarize your experience in adversary proceedings before administrative boards or commissions during the last five years.

In the last five years, I have appeared before the Montana Parole and Pardons Board to represent the State of Montana in parole hearings. In these hearings, I argued against the early release of offenders who had committed sexual crimes against children.

I have also appeared before the Montana Sentence Review Division on behalf of the State of Montana to argue that the Court had handed down a legal sentence.

27. If you have published any legal books or articles, other than Law Review articles, list them, giving citations, dates, and topics involved. If you lectured on legal issues at continuing legal education seminars or otherwise, state the topic, date, and group to which you spoke.

- **Lecture:** I presented a 2-hour CLE on Mental Disease or Defect in Montana Criminal Law to Montana County Attorney's Association Annual Conference with Dr. Virginia Hill and DPHHS Attorney Tammy Hinderman in June of 2019.
- **Lecture:** I presented a CLE on Use of Expert Witnesses in Sexual Assault Prosecutions at the Prosecutor's Boot Camp in January of 2019.
- **Lecture:** I presented a continuing education class to victim advocate groups on the topic of Expert Witnesses in Sexual Assault Prosecutions. This training was organized by the Montana Coalition Against Domestic and Sexual Violence in 2018.
- **Lecture:** I presented a day-long training with other members of the Elder Abuse Task Force on Elder Abuse Investigation and Prosecution to the Montana Board of Crime Control employees in 2018.

D. PROFESSIONAL AND PUBLIC SERVICE

28. List all bar associations and legal professional societies of which you are a member. Provide the titles and dates of any office that you have held in such groups and committees to which you belong. These activities are limited to matters related to the legal profession. List the dates of your involvement.

State Bar of Montana, *Admitted in 2006*

State Bar of Nevada, *Admitted in 2005, currently inactive status*

29. List organizations and clubs, other than bar associations and professional societies, of which you have been a member during the last five years. State the title and date of any office that you have held in each organization. If you held any offices, describe briefly your activities in the organization.

Montana Outdoor Heritage Project, Volunteer Ambassador — 2018 to Present

Healthy Mothers Healthy Babies, Montana Coalition, Board Member and President — 2017

As board member and president, I engaged in fundraising and overseeing the organization's mission and goals.

30. Have you ever run for or held public office or sought a judicial appointment? If so, provide the details.

No.

31. Explain your philosophy of public involvement and practice of giving your time to community service.

I believe that people should engage with their community to make it a better place to live.

To this extent, community involvement and public service have always been a priority to me. I have donated a significant amount of my personal and professional life to public service and community involvement. I have accomplished public service in a variety of ways, tapping into my legal expertise and my personal passions and hobbies.

Legal Career

I have dedicated my entire legal career to serving the public. I started my career in the public defender's office in Helena, representing indigent defendants. The short time I worked as a public defender was a great honor and education in the justice system, humanity, and humility.

When I first became a prosecutor, I represented the people of Montana in criminal cases in my own community in Helena. Later, I prosecuted statewide as an Assistant Attorney General and mostly in rural counties that lacked resources to handle major crimes. As a prosecutor, I exercised discretion on when to bring charges and what charges to file based on the evidence, always balancing fairness and community safety with the goal of reaching justice.

Both positions serve a vital role in the American justice system and it has been an honor to serve the public in both capacities.

Pro Bono Legal Services

I have represented a handful pro bono clients over the years in divorce and parenting plan proceedings. In 2018, I was awarded the Pro Bono Publico Award for the First Judicial District of Montana for my representation of a high-needs indigent client through the Montana Legal Services Association.

Accepting this case allowed me to help a survivor of domestic abuse resolve conflict in her personal life and finally be able to move on to the next chapter. The case was very challenging yet rewarding.

Board and Ambassador Positions

I served as Board President to Healthy Mothers Healthy Babies, Montana Coalition in 2017.

I am currently a volunteer ambassador to Montana Outdoor Heritage Project, a “collaboration of Montana citizens, small businesses, conservation and recreation groups, and local communities interested in conserving, maintaining, and investing in our water, wildlife, working lands, and shared outdoor way of life.”

Community Involvement

Public Speaking Engagements. I have volunteered to give powerful, impactful speeches to women’s leadership groups. In October 2018, I was the keynote speaker at the Women Leading Montana Annual Conference in Great Falls. I presented on the topic of empowering women in the outdoors. In 2019, I volunteered to speak on a panel discussion at the Women’s Leadership Network’s Annual Resiliency Conference in Helena. At this conference, I told the story of my upbringing for the first time and how childhood adversity trained me to become resilient later in life.

Several years in a row, I have volunteered to speak to students at Montana City Schools regarding the justice system, trial practice, and the school’s mock trial presentations.

Hiker Midnight. Five years ago I created an organization called Hiker Midnight dedicated to empowering women through collaborative backpacking trips to the Beartooth and beyond. Women from all over Montana with varying backgrounds and political views have joined my trips to connect with other women in the neutrality of the outdoors. On these trips, women learn new skills in the backcountry, gain confidence in the outdoors, make lifelong friends, and network with other female community members. I am proud of the relationships my backpacking trips have fostered over the years. Hiker Midnight is still bringing women together outdoors.

Girls Thrive. I regularly speak and teach outdoor skills to the young participants of Girls Thrive, which is a non-profit organization that pushes young women to be confident, strong and community-driven through sports and lessons by volunteer coaches. I have taught classes to teen and pre-teen girls on backpacking gear, how to set up a tent, and what types of outdoor jobs are available to young women as they begin thinking about careers.

Community Organizations. In addition to volunteering, I have supported several local organizations through financial donations, including the YWCA, Prickly Pear Land Trust, Friendship Center, Healthy Mothers Healthy Babies, Montana Coalition, Family Promise, and Big Brothers Big Sisters.

E. PROFESSIONAL CONDUCT AND ETHICS

32. Have you ever been publicly disciplined for a breach of ethics or unprofessional conduct (including Rule 11 violations) by any court, administrative agency, bar association, or other professional group? If so, provide the details.

No.

33. Have you ever been found guilty of contempt of court or sanctioned by any court for any reason? If so, provide the details.

No.

34. Have you ever been arrested or convicted of a violation of any federal law, state law, or county or municipal law, regulation or ordinance? If so, provide the details. Do not include traffic violations unless they also included a jail sentence.

No.

35. Have you ever been found guilty or liable in any civil or criminal proceedings with conduct alleged to have involved moral turpitude, dishonesty and/or unethical conduct? If so, provide the details.

No.

36. Is there any circumstance or event in your personal or professional life that would, if brought to the attention of the Commission, Governor or Montana Supreme Court, affect adversely your qualifications to serve on the court for which you have applied? If so, provide the details.

No.

F. BUSINESS AND FINANCIAL INFORMATION

37. Since being admitted to the Bar, have you ever engaged in any occupation, business or profession other than the practice of law? If so, provide the details, including dates.

Yes. Since January 2020, I have been employed as Content Manager for Gaia GPS, a start-up technology firm that developed an app for navigation in the outdoors.

From 2018 to present, I have worked as a backpacking guide for Andrew Skurka Adventures, LLC in various national parks.

38. If you are an officer, director, or otherwise engaged in the management of any business, provide the name of the business, its nature, and the nature of your duties. If appointed as a district court judge, state whether you intend to resign such position immediately upon your appointment.

I am the founder of Hiker Midnight LLC, a single-member limited liability corporation that primarily provides backpacking guide contract services as described in paragraph 37. Under this company, I have guided trips in Colorado's Rocky Mountain National Park and have an opportunity to guide in Alaska, Utah, and the Sierra in California. If appointed as judge, I would dissolve Hiker Midnight LLC and stop guiding.

39. State whether during the last five years you have received any fees or compensation of any kind, other than for legal services rendered, from any business enterprise or organization. If so, identify the source and the approximate percentage of your total income it constituted over the last five years.

In the last five years, I have received compensation from Hiker Midnight LLC that constitutes less than 3 percent of my total income over the last 3 years.

I have received compensation from an Airbnb rental over the last five years, that I believe makes up less than 5 percent of my total income after expenses.

Since January 1, 2020, I have been employed by Gaia GPS and receive compensation from that company. This income constitutes approximately 92 percent of my income.

40. Do you have any personal relationships, financial interests, investments or retainers that might conflict with the performance of your judicial duties or that in any manner or for any reason might embarrass you? If so, please explain.

Yes. I have a personal relationship that could present a conflict if I become a district court judge. I am married to Matthew Cochenour, who is currently employed as the Acting Solicitor General of the State of Montana. I would recuse myself from any case in which he is counsel of record or otherwise involved in the case. However, Matt mostly practices in Federal Court and I would not expect this conflict to arise very often, if ever. I believe any potential conflict would only apply to cases that Matt directly handled or advised on and not to cases that are handled by the Attorney General's Office as a whole.

41. If appointed by the Governor, are you prepared to disclose the information required under 2-2-106, MCA (i.e., the name, address and type of your business; any present or past employer from which you currently receive benefits; any business or professional entity or trust in which you hold an interest; any entity in which you are an officer or director; and any real property, other than a personal residence, in which you hold an interest)?

Yes.

42. Have you filed appropriate tax returns as required by federal, state, local and other government authorities?

Yes.

43. Do you have any liens or claims outstanding against you by the Internal Revenue Service (IRS)?

No.

44. Have you ever been found by the IRS to have willfully failed to disclose properly your income during the last five years? If so, provide the details.

No.

G. WRITING SKILLS

45. In the last five years, explain the extent to which you have researched legal issues and drafted briefs. State if associates or others have generally performed your research and the writing of briefs.

In the last five years, I have researched and written legal briefs regarding evidentiary issues, constitutional issues, motions to dismiss, sentencing memorandum, and mental competency proceedings. I have not had any other person draft my briefs or perform legal research for me, except on simple and routine motions to continue and notices of compliance of discovery requests.

46. If you have engaged in any other types of legal writing in the last five years, such as drafting documents, etc., explain the type and extent of writing that you have done.

In addition to brief writing, I have also drafted subpoenas, search warrants, charging documents and affidavits, proposed findings of fact and conclusions of law and orders, petitions for the release of confidential criminal justice information, petitions to revoke, juvenile court documents, and proposed judgments. For a pro bono case, I have drafted a petition for the dissolution of marriage and supporting affidavit.

In March 2020, I edited a Sexual Assault Investigation Manual for the Montana Board of Crime Control. This work was performed under contract basis only.

47. Attach a writing sample of no more than ten pages that you have written yourself. A portion of a brief or memorandum is acceptable. The writing sample should be as recent as possible.

I have attached a brief that I wrote in *State of Montana v. Lloyd Barrus*. I selected this brief as a writing sample because it involved an issue that had not been addressed by my office before. The issue involved adherence to a statutory deadline and whether such deadline had been waived in a fitness to proceed hearing. Writing the brief required synthesizing several cases to form the State's argument. I omitted pages 11 and 12 of the brief to comply with the length requirements in this application.

48. What percentage of your practice for the last five years has involved research and legal writing?

Approximately 50% of my legal practice has involved research and legal writing. As a trial lawyer, my main job was to stand up in court and argue a point or present witness testimony and evidence. Getting to trial required legal research and writing with a hefty motions practice.

49. Are you competent in the use of Westlaw and/or Lexis?

Yes.

H. MISCELLANEOUS

50. Briefly describe your hobbies and other interests and activities.

Most of my interests revolve around my children, ages 12 and 10, and supporting them in their growth to young adulthood. To that end, my husband Matt and I spend a lot of our time with our children in the solitude of the wilderness. As a family, we recreate outside every chance we get. We ski together in the winter, raft the Smith River in the spring when we are lucky enough to get a permit, mountain bike at Copper City trails near Three Forks, and hike all our favorite local trails from Mount Ascension to Mount Helena on a regular basis. We find that the trails, rivers, and mountains bring us closer together as a family.

When I am on my own, I turn to the outdoors. Fresh air and sunshine or even inclement weather have always been my sanctuary from the stressors in life. I am always looking forward to a backpacking trip, a day of skiing, or an afternoon hike to blow off steam on the trails on the edge of town.

I also like to read books, usually several at a time. Right now, I am reading *The Color of Law* by Richard Rothstein, *Educated* by Tara Westover, and *The Adventurer's Son* by Roman Dial.

51. Describe the jobs that you have held during your lifetime.

I grew up in the greater Detroit metropolitan area with working class, low-income parents. Early on, I learned that if I wanted to be comfortable I would have to make my own money. At age 12, I started babysitting for a family in an affluent suburb. They took me skiing up north and I was hooked. I loved how skiing made me feel. The sunshine and snow drowned out the feelings of inadequacy I sometimes felt as a "free lunch" kid.

After high school graduation, I realized college was financially out of reach for me. I pursued the next best thing, getting paid to work in outdoor recreation. When I was 17, my older sister dropped me off at Lake Tahoe so I could pursue my dream of working in the mountains.

That year, I landed a job as a professional ski patroller at a large-scale Lake Tahoe resort. I filled my summers working as a Grand Canyon River Guide and a U.S. Forest Service Wilderness Ranger, backpacking solo in the Desolation Wilderness.

After 10 years of working, I had saved enough money to go to college. I earned a Bachelor's Degree in print journalism with a minor in business studies from the University of Nevada, Reno. I worked all through undergrad as a daily news reporter, first for the Tahoe Daily Tribune and later as the courthouse reporter for the mid-sized Reno-Gazette Journal.

As a young journalist, I remember watching a female prosecutor deliver a compelling and emotional opening statement in a complex homicide trial. Instantly, I was inspired to become a trial lawyer. I moved to Missoula to attend law school in a place where I could easily access the outdoors.

I secured paid internships at Missoula and Yellowstone County Attorney Offices during law school, giving me both a pay check and courtroom experience. By graduation, I had completed more than 10 jury trials under the student practice rule.

Following law school, I clerked for a busy district court judge in Reno, Nevada. I drafted orders on motions for summary judgment in a variety of civil matters, post-conviction proceedings, and criminal law matters. At the district court, I learned about the importance of keeping up with the court's workload and resolving contested issues in a timely manner so that the parties may move forward.

After my district court clerkship in Nevada, I clerked for the Hon. Brian Morris on the Montana Supreme Court. This experience taught me the practice of appellate law and the importance of creating a sound record at the trial court level. I drafted more than 24 opinions for Justice Morris with issues ranging from challenging the sufficiency of the evidence in a negligence case to questions about what constitutes a legal sentence in a criminal law case.

After clerking, I craved the courtroom. I became an Assistant Public Defender. One of my most valuable experiences, the public defender position taught me that most people found conflict with the law due to mental health or substance abuse and addiction issues. In some cases, I learned that a defendant's history of prior abuse played a role in criminal behavior.

After a year of criminal defense work, a position opened up at the County Attorney's Office. I had wanted to work for Leo Gallagher because I knew of his reputation as a great trial lawyer. I went there to learn. At the County Attorney's Office, I handled dependent and neglect proceedings, mental commitment proceedings, and all kinds of criminal cases. I took the experience I gained at the county and went to work at the Attorney General's Office, prosecuting major cases in rural communities with scarce resources to handle complex trials.

As a prosecutor, I carried with me the perspective I had when I was representing indigent defendants. I worked hard to protect defendants' constitutional rights to a fair trial while also protecting society and victims from horrific crimes. I always strived to make sentencing recommendations that focused on rehabilitation where such measures were available.

This year, an opportunity came to me. I was offered a job as a content manager at Gaia GPS. The job mixed my passion for the wilderness with my journalism skills. I was hired to write for the company blog and produce copy for other channels, such as press releases and social media channels. I also produce and sometimes co-host the Out and Back podcast. By all measures, this is a dream job with one exception: I miss working in public service. I miss the people. I miss working with victims. I even miss opposing counsel and I definitely miss the courtroom.

In the short months of working at Gaia GPS, I have learned a lot about the business sector and more specifically tech industry culture. Even though I am tasked with writing copy, I can see legal issues a small tech company like Gaia GPS might face. I think of the legal impacts of large-scale business partnerships, contract issues, privacy questions with the compilation of data, and human resources as the company grows exponentially this year. Private business has opened my eyes to working carefully but swiftly and taking action in a timely manner. These are skills I intend to employ in any future career.

52. Identify the nature and extent of any pro bono work that you have personally performed during the last five years.

Over the last five years, I have represented a handful of indigent clients in divorce and parenting plan proceedings in Lewis and Clark County. These clients were secured through either my personal relationships with the client or assigned through Montana Legal Services Association (MLSA).

In 2018, MLSA requested I take on a divorce case with a high-needs client. This particular client had suffered from years of domestic abuse, resulting in a debilitating head injury with permanent damage and chronic pain. The client had been unable to work for several years due to this injury and did not have the financial means to hire a lawyer to represent her in a divorce proceeding. I accepted the case and recruited my husband, Matthew Cochenour, to join as co-counsel. Together, we were able to resolve the case in an uncontested divorce proceeding before Judge Michael Menahan in the First Judicial District Court.

My husband and I received the 2018 Pro Bono Publica Award of the First Judicial District of Montana for our work on this case. The case was both challenging and rewarding because we were able to help our client move beyond this relationship and venture on to the next chapter in her life.

53. In the space provided, explain how and why any event or person has influenced the way that you view our system of justice.

In 2018, new DNA evidence was discovered in a homicide case in First Judicial District of the State of Montana. In 1994, Freddie Jo Lawrence and Paul Jenkins had been convicted in two separate jury trials for the murder of D.M. I was assigned to handle the post-conviction proceeding with Judge Seeley presiding.

The parties presented the evidence to the judge at the hearing. After carefully weighing the evidence and testimony, the court overturned Lawrence and Jenkins' convictions and the two men walked away from prison after spending more than two decades behind bars.

Even though the victim's family was devastated, it was apparent to me that the court had reached the right result given the newly discovered evidence.

This case taught me that our justice system sometimes has flaws even when the rules of court were followed and the jury unanimously found the men guilty beyond a reasonable doubt. The case reminded me that justice is entrusted to all the parties to seek truth and that judges often must make tough and perhaps unpopular decisions that bring these flaws to light. This case also confirmed that correcting or unearthing flaws in the justice system is integral to building and maintaining the justice system's integrity.

54. In the space provided, explain the qualities that you believe to be most important in a good district court judge.

I've practiced in front of many different district court judges around Montana and I've clerked for two judges, one at the trial court and one at the appellate court. Based on my personal observations, a "good district court judge" possesses an even temper, impartiality, humility, fairness, empathy, open-mindedness, decisiveness, confidence, effective communication skills, a natural curiosity for learning, an insatiable quest for truth and justice, and the ability to interpret and apply legal principles to a given set of factual circumstances. A good district court judge follows established legal principles and can apply the law to the facts of the case to issue a well-reasoned decision.

Perhaps, the foundation of all these desirable characteristics rests on a judge's ability to be patient. For example, the ability to be fair and openminded requires the judge to be patient, allowing the parties to be fully heard on a subject. In my experience, parties feel satisfied even with an unfavorable outcome if they have had the opportunity to be heard and they felt that the judge was listening.

I would strive to employ each of these characteristics as a district court judge, and particularly practice patience with counsel, their clients, witnesses, and especially self-represented litigants.

55. In the space provided, explain how a court should reach the appropriate balance between establishment of a body of precedent and necessary flexibility in the law.

Under the well established legal doctrine of *stare decisis*, district courts are bound by the legal precedent set by the Montana Supreme Court. The district court should strive to follow the precedent set forth in a body of law.

However, no two cases present the same set of facts and circumstances. Every case involves different people with a different set of circumstances, requiring the necessary flexibility in the application of the law.

Where legal precedent fails to meet the presented facts, the court should look to the reasoning behind the established body of law. Following the reasoning behind a body of precedent strikes the balance between strictly applying the doctrine of *stare decisis* and finding the necessary flexibility in the law to apply established legal principles to a new set of facts.

56. In the space provided, state the reasons why you are seeking office as a district court judge.

I am seeking office as a district court judge because it allows me another avenue to serve my community. I have already served the Helena community as a public defender representing indigent clients, as a prosecutor seeking to keep our neighborhoods safe from crime, and as a pro bono attorney to our community members with limited means.

As a judge, I would be able to help more parties resolve legal disputes through swift, well-reasoned judicial decisions. Being a judge gives me the opportunity to ensure that both parties are heard, that constitutional rights are not violated, and that the State's sentencing policies are followed in criminal cases.

More specifically, I am seeking Judge Reynold's vacant position because I have a strong interest in continuing the First Judicial District Treatment Court. In 2011, I attended and completed the National

Drug Court Institute's Adult Drug Court Planning Initiative Training Program with Judge Reynolds, Parole and Probation Officer Annette Carter, Public Defender Annie Peterson, and Deputy Sheriff Dan O'Malley. Together, we formed the first Treatment Court in the First Judicial District.

I remember screening and admitting our first participants. I remember some of their names, whether they had children, and where some of them had worked. I remember the grief I felt when one of them relapsed and used drugs during the pendency of their case. Months later, I remember feeling elated at their graduation from treatment court.

Through my work in Judge Reynold's treatment court I learned and embraced three important principles that helped me understand the plight that addicted people face:

1. Addiction is a disease and not a choice,
2. People who are battling addiction will likely relapse, and
3. A relapse does not end the journey in Treatment Court.

I want this job as district court judge to continue the work that needs to be done to rehabilitate those living with addiction. I want to return to public service in the capacity of a fair and neutral judge, one that allows all parties to be heard. I want to bring patience, professionalism, and decorum to the courtroom.

57. What items or events in your career have distinguished you or of which you are most proud?

Early on in my career, I prosecuted a domestic violence and sexual assault case against all odds of holding the offender accountable. The victim had been stuck in the cycle of domestic violence and had reported abuse on several occasions. She had always recanted her statements to police or failed to appear for trial even though she was under court order to appear.

The abuse was escalating and this time the offender had burned her with cigarettes, ripped out chunks of her hair, and raped her in three different ways, causing injury that sent her to the emergency room. The case was charged and later dismissed after the victim wouldn't cooperate.

I reviewed the file and all the prior instances of abuse and found that this offender had a violent history with another women but was never held accountable for his acts of abuse. I took the case and re-filed the charges even though the victim still refused to cooperate. Given the history, I planned to go to trial without a victim to testify.

During the pendency of the case the victim hit the honeymoon phase of the domestic violence cycle and reunited with the offender. In pre-trial interviews, the victim changed her statement to match the defense strategy.

At this point, I believed I was seeking truth and justice, even though all the facts were now against my case. I trusted my judgment, and based on the law, pushed forward to trial.

At trial, I asked the victim what happened that night. With the support and confidence of the justice system behind her, the victim turned toward the jury and tearfully recounted the horrific abuse she suffered at the hands of the defendant.

At the end of trial, I gave the most compelling closing argument that I had ever given in my career. The defendant was found guilty. Years later, the victim thanked me for moving forward on the case, allowing her to begin a new chapter in her life.

I am proud of this case in my career because I trusted the evidence to seek justice and truth. I believe my tenacity distinguished me as an attorney who would take on the difficult cases.

The case is *State v. Crider*, 2014 MT 139.

58. Provide any pertinent information reflecting positively or adversely on you that you believe should be disclosed to the Judicial Nomination Commission.

The following information would reflect positively on my experience and qualifications to become District Court Judge and specifically to fill the vacancy of Judge Reynold's seat:

1. Completion of National District Attorneys Association Trial Advocacy School, December 7-11, 2009.
2. Completion of the National Drug Court Institute's Adult Drug Court Planning Initiative Training Program, April 11-15, 2011.
3. Appointment to First Judicial District Court Treatment Court Team. August 3, 2011.
4. Completion of Western Regional Children's Advocacy Center, Forensic Interview Training, June 12-13, 2013.
5. Completion of U.S. Department of Justice Elder Abuse Training Program for Law Enforcement, March 15-17, 2017

59. Is there any comment that you would like to make that might differentiate you from other applicants or that is unique to you that would make you the best district court judge applicant?

My unique background sets me apart from other candidates.

I never had a path set out before me. I did not come from a long line of lawyers or business professionals. My parents weren't college educated. In fact, my mother never graduated high school. They did not understand the value of higher education and never encouraged me to seek it out. In fact, when I finally graduated from college, although they were proud of my accomplishment, neither parent attended the ceremony to congratulate me. To them, college was expensive and not necessary.

My dad had worked tirelessly at two jobs to make sure we had everything we needed for food and housing. My mom took on part-time work as a records clerk at a hospital and belly-danced in the Greek Town clubs on weekends to earn a little extra cash.

From my childhood experiences, I know what it feels like to be in elementary school and adjust to a new way of life with your parents divorced and living in separate towns. I know the worry when cash is short, when my single mother tells me she only has \$5 to last to the end of the week and that she needs

to use it to buy gas so she can get to work. I have been the kid that eats free lunch at school, the kid who was ashamed by my clothes and my family's beat-up car with two-tone, rusted-out fenders. I know what it's like to live in a car, not because it's a fun way to camp, but because we hadn't found a place to live yet.

This background didn't seem to offer any advantage in my life, except to provide me with great empathy and understanding of the people whom I have served in my career. Because of this background, I was able to see how my public defender clients wound up being defendants in a criminal case. As a prosecutor, I understood the vulnerability of victims. When I represented pro bono clients, I knew why it was so important for my client to be awarded a bed in the divorce, because that was the only piece of property she owned and it was worth fighting for.

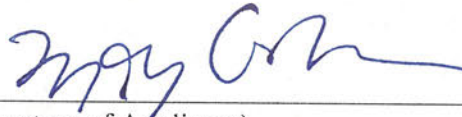
As a judge, my background will help me understand and empathize with some of the people who come before me, whether indigent criminal defendants, victims, or civil litigants. I understand how people get to these points, because to some small degree I can relate.

CERTIFICATE OF APPLICANT

I understand that the submission of this application expresses my willingness to accept appointment as District Court Judge for the 1st Judicial District, if tendered by the Governor, and further, my willingness to abide by the rules of the Judicial Nomination Commission with respect to my application and the Montana Code of Judicial Conduct, if appointed.

8/14/20

(Date)



(Signature of Applicant)

A signed original **and** an electronic copy of your application and writing sample must be submitted by
5:00 p.m. on Thursday, August 27, 2020.

Mail the signed original to:

**Office of Court Administrator
c/o Lois Menzies
P.O. Box 203005
Helena, MT 59620-3005**

Send the electronic copy to: mtsupremecourt@mt.gov

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COUNSEL FOR STATE

NO.
FILED

SEP 24 2018

VALERIE J. HORNSVELD
CLERK
DEPUTY *Valerie J. Hornsveld*

MONTANA FIRST JUDICIAL DISTRICT COURT
BROADWATER COUNTY

STATE OF MONTANA, Plaintiff, v. LLOYD BARRUS, Defendant.	Cause No. CDC-17-15 STATE'S RESPONSE AND OPPOSITION TO DEFENDANT'S MOTION TO DISMISS DUE TO FAILURE TO REVIEW FITNESS WITHIN THE STATUTORY TIME PERIOD
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The State of Montana responds to and opposes Defendant's Motion to Dismiss Due to Failure to Review Fitness Within The Statutory Time Period with the following.

BACKGROUND

Defendant Lloyd Barrus is charged with Deliberate Homicide (by accountability), two counts of Attempted Deliberate Homicide, Assault on a Peace Officer, and Unlawful Possession of a Firearm all related to his involvement in the homicide of Broadwater County Sheriff's Deputy Mason Moore and the events following Deputy Moore's homicide on May 16, 2017.

In December of 2017, the Court ordered the Defendant to undergo a fitness to proceed evaluation at the Montana State Hospital. On May 11, 2018, Dr. Virginia Hill issued a report to the Court and the parties, concluding that the Defendant was unfit to proceed to trial. In the report, Dr. Hill asked the Court to extend the Defendant's commitment to the Montana State Hospital for 90 days in order to attempt treatment of the Defendant's illness. Dr. Hill noted in the report that the Defendant "has consistently refused psychotropic medications...". Dr. Hill also requested that the Court order the Defendant to comply with the treatment plan, which included a physician's prescription of reasonable and appropriate medications.

The Court held a hearing on June 7, 2018, and all parties were present in the courtroom, including the Defendant. Based on the report from Dr. Hill, the Court found the Defendant unfit to proceed. The Court suspended the criminal proceedings against the Defendant pursuant to Mont. Code Ann. § 46-14-221 and ordered the Defendant committed to the Montana State Hospital for treatment of his mental illness. The Court also set a review hearing as required by Mont. Code Ann. § 46-14-221. (State's Ex. 1, Tr. June 7, 2018 hearing.)

The transcript of the hearing shows that the Court and the State's attorneys recognized that the review must take place within 90 days. (Tr., pp. 9; 20.) The State requested that the hearing be held in Broadwater County on August 17, 2018, which would have been well within the 90-day timeframe. The Court Clerk offered to set the hearing on September 7, 2018.

The Court and the parties engaged in the following discussion regarding the setting of the review hearing on September 7, 2018 and within the 90-day timeframe created in the statute:

The Clerk: September 7th at 9:00 a.m.

The Court: Have you counted that out?

Mr. Swanson: I'd ask to do it in the afternoon because I do have law and motion that morning in Townsend with Judge Menahan.

The Clerk: Okay. 1:30.

Mr. Swanson: -- in the afternoon.

The Clerk: 1:30.

The Court: Will that work?

Mr. Jackson: Fine with us as well.

The Court: Sept. 7, 2018, at 1:30 in Helena. Anything further we need to address today?

Mr. Jackson: No, Your Honor.

Mr. Light: I don't think so.

(Tr., pp.10; 14-23.)

After the June 7, 2018 hearing, the State filed a motion requesting the Court to set a *Sell* hearing to address the Defendant's refusal to participate in the treatment plan. (State's Ex. 2.) The State requested a hearing date in early August. The same factors that would have been addressed at the September 7, 2018, review hearing would have been addressed at the *Sell* hearing, including extension of the order of commitment and the standards set forth in Mont. Code Ann. § 46-14-221.

However, defense counsel responded in an email to the Court Clerk in Broadwater County and by motion to this Court that an August date would not work with their schedules and requested a hearing date later in September. (State's Ex. 3.)

Greg Jackson stated in an email to Audrey Plymale, Deputy Clerk of District Court in Broadwater County that:

Craig Shannon and I will respond to the portion of the Motion regarding the setting of a hearing date so that the court can set a firm date.

In that regard, Craig will be out of on a pre-planned vacation most, if not all of August. I have a homicide trial in Bozeman scheduled for August 13 through August 24, with the prospect that it may run a few days longer. Also, we need to check with our experts to see what their availability is. Finally, when we visited with Dr. Hill she indicated that due to her schedule, she would be requesting a hearing date in September at the earliest. We will not be able to file a response to the requested August date until Monday.

Thanks,

Greg

(State Ex. 3.)

The Court set the *Sell* hearing for September 17 and 18, 2018, at the Defendant's request. Meanwhile, the September 7, 2018 review hearing date remained on the Court's calendar.

As recent as August 24, 2018, the Defendant's attorneys acknowledged the September 7, 2018 hearing and communicated with the State's attorneys that they would stipulate at the hearing that the Defendant remains unfit.

(State Ex. 4.)

In State's Exhibit 4, Defense attorney Greg Jackson wrote in an email to the State's attorney:

Dan,

Sorry for the delay in getting back to you. We will stipulate at the hearing that Mr. Barrus continues to be unfit to proceed. Also, as Craig previously indicated, we will stipulate to Dr. Hill appearing via Vision Net. However, after talking with Mr. Barrus, he insists on personally appearing.

Thanks,

Greg

(State's Ex. 4.)

The day before the September 7, 2018, hearing, the Defendant filed the instant motion to dismiss, claiming that the case should be dismissed because the Court missed by two days the statutory deadline set forth in Mont. Code Ann. § 46-14-221. The State opposes the Defendant's motion to dismiss and responds with the following:

ARGUMENT

1. The Defendant's Motion to Dismiss Should be Denied Because the Court's Review was Timely.

The report in this case was sent well within the 90-day statutory timeframe outlined in Mont. Code Ann. 46-14-221(3); therefore, the review was timely and the Defendant's motion to dismiss should be denied.

Montana Code Annotated § 46-14-221(3)(a) states that "the committing court shall, within 90 days of commitment, review the defendant's fitness to proceed. If the court finds that the defendant is still unfit to proceed and that it does not appear that the defendant will become fit to proceed within the reasonably foreseeable future, the proceeding against the defendant must be dismissed ..."

The Montana Supreme Court has consistently interpreted the 90-day review period in Mont. Code Ann. § 46-14-221 to mean 90 days from *the date of the order of commitment to the date of the submittal of the psychological report to the Court*. *State v. Meeks*, 2002 MT 246, 312 Mont. 126, 58 P.3d 167; *State v. Tison*, 2003 MT 342, 318 Mont. 465, 81 P.3d 471; *State v. Robertson*, 2015 MT 341, 381 Mont. 520, 363 P.3d 427.

In *Meeks*, the date from the order of commitment to the date that the district court received the psychological examiner's report was 93 days. The Montana Supreme Court characterized this period as "approximately" 90 days, and then reversed the district court's order extending commitment because the

district court failed to comply with other provisions of the statute. *Meeks*, ¶22. In *Tison*, the Court considered the date of commitment as September 28, 2000 and submittal of the evaluator's report to the court on December 22, 2000. *Tison*, ¶4. In *Robertson*, the Court also recognized the date of order of commitment and the date of the evaluator's report submitted to the court.

None of these cases seem to count the days between the order of the commitment and the review hearing. In fact, Mont. Code Ann. § 46-14-221(3) does not contemplate or require a hearing to be held by the Court for review of defendant's fitness to proceed. The statute simply states that the Court "shall, within 90 days of commitment, review the defendant's fitness to proceed." Montana law then states "[a]fter the expiration of the ninety days, *if* the court finds that the defendant is still unfit to proceed and it does not appear that the defendant will become fit within the reasonably foreseeable future, the proceedings against the defendant must be dismissed." *Tison*, ¶11. (Emphasis added.)

In the present case, this Court ordered the Defendant committed to the State Hospital on June 7, 2018. On August 30, 2018, Dr. Hill and Dr. Casey submitted their report to the Court, requesting an order extending commitment of the Defendant. The Court should follow the method of counting days modeled by the Montana Supreme Court in *Meeks*, *Tison*, and *Robertson*. The date that the report was submitted to the Court is the deadline, not the day of the hearing. Based on these cases, the 90-day review deadline was met on August 30, 2018, when the evaluators submitted their report to the Court for review.

The State respectfully requests the Court deny the Defendant's motion to dismiss as the evaluators' report was timely submitted based on the holdings of *Meeks*, *Tison*, and *Robertson*.

2. The Defendant's Motion to Dismiss Should be Denied Because the Defendant Waived the 90-day Review Deadline.

The Defendant waived the statutorily created 90-day deadline by explicitly agreeing to the setting of the hearing on September 7, 2018. Statutorily created deadlines, including the statutorily created 90-day deadline in Mont. Code Ann. § 46-14-221(3), have long been subject to forfeiture and waiver. *Robertson*, ¶ 16.

In *Robertson*, the Montana Supreme Court ruled that the district court erred when it dismissed Robertson's criminal case based on the untimeliness of the district court's review. *Robertson*, ¶ 1. Robertson argued that his case should be dismissed because he was committed to the Montana State Hospital on January 10, 2014, due to his lack of fitness to proceed, and the State Hospital did not issue its report to the district court until April 16, 2014 – six days after the 90-day deadline set forth in Mont. Code Ann. § 46-14-221(3)(a). *Robertson*, ¶ 9. The Montana Supreme Court concluded that the district court erred by granting Robertson's motion to dismiss because it dismissed the case solely on the number of days that had passed and did not consider that Robertson had waived the deadline by appearing in a telephone conference on April 18, 2014, and agreeing to further treatment at the Montana State Hospital. *Robertson*, ¶ 16. The Supreme Court held that Robertson waived his objection to the timeliness of the report and the hearing by *agreeing* to a continuing course of treatment at the state hospital.

Similar to *Robertson*, the Defendant here waived the statutorily created 90-day deadline by explicitly *agreeing* to the September 7, 2018 review hearing date. All parties were present on June 7, 2018, when the Court set the review hearing. The Court asked the parties if they had counted out the days and the Defendant's attorneys did not respond. (State's Ex. 1.) Instead, the Defendant

and his attorneys explicitly agreed to set the review hearing on September 7, 2018. (State Ex. 1.) When asked about the September 7, 2018, hearing, and in the context of the 90-day deadline, the Defendant's attorney Greg Jackson stated to the Court: "Fine with us as well." (Tr. pp. 10, 23.) This agreement to set the hearing date on September 7, 2018, constitutes an explicit waiver of a statutorily created deadline and the Defendant's motion to dismiss should be denied.

Additionally, when the State attempted to set a *Sell* hearing in August, the Defendant objected to setting an August hearing date. (State's Ex. 3.). In court on September 7, 2018, the Defendant characterized the *Sell* and review hearings as apples and oranges, but a *Sell* hearing would have addressed the same factors as the 90-day review hearing. Undoubtedly, if the *Sell* hearing had been held in August, the Sept. 7, 2108 review hearing would have been cancelled. The Defendant's objection to an August hearing and his request to set the hearing September 17, 2018, or later also constitutes a waiver of the statutorily created deadline in Mont. Code Ann. § 46-14-221(3).

Finally, in accordance with *Robertson*, the Defendant waived the statutorily created deadline a third time, when at the September 7, 2018, his attorneys stipulated to the portion of Dr. Hill's report concluding that the Defendant remained unfit to proceed.

Based on the holding in *Robertson*, the Court should deny the Defendant's motion to dismiss for untimeliness of the court's review because the Defendant had explicitly waived the 90-day statutorily created deadline.

3. Montana Law Does Not Support Defendant's Motion to Dismiss.

Defendant's reliance on the Supreme Court's holdings in *Meeks* and *Tison* is misplaced. Neither *Meeks* nor *Tison* stand for the rule that courts should dismiss cases based on the counting of days between the commitment

order and the review hearing. In fact, the holding and dicta in *Meeks* and *Tison* provide just the opposite.

In *Meeks*, the Montana Supreme Court reversed the district court's order extending defendant's commitment because the court had failed to address the provisions of Mont. Code Ann. § 46-14-221, not because the review took place 93 days after commitment. *Meeks*, ¶ 26. The Montana Supreme Court held that the evaluator's report contained "no specific evidence to suggest that Meeks would regain fitness in the reasonably foreseeable future. Therefore, upon review of the evaluation, there was no basis upon which to continue the criminal proceedings against Meeks...". *Meeks*, ¶ 26.

The Montana Supreme Court in *Meeks* was not concerned with the counting of days between the date of commitment and the day the actual hearing was held or when the evaluator's report was submitted. In fact, 93 days had passed between the date the district court declared Meeks unfit to proceed and the district court's review. The Montana Supreme Court characterized as the time frame as "*approximately* ninety days after Meeks was committed to MSH ...". *Meeks*, ¶ 22.

The time between commitment order and review in *Meeks* is 93 days. The Court did not reverse the district court on the basis that the district court was 3 days over the statutorily created deadline in Mont. Code Ann. § 46-14-221. Rather, the Court reversed the district court because it did not comply with the *provisions* of Mont. Code Ann. § 46-14-221, particularly making the finding that Meeks would regain fitness in the reasonably foreseeable future. *Meeks*, ¶ 26. (Emphasis added). The Court recognized that the district court could not extend Meeks' commitment because there was no information in the report for the district court to make a finding that Meeks would likely regain fitness. That the review happened at 93 days instead of the 90 days required

time period. Therefore, any irregularity in the proceeding must be disregarded.

The Defendant's Motion to Dismiss Due to Failure to Review Fitness Within The Statutory Time Period Should be Denied based on *Meeks, Tison*, and Mont. Code Ann. § 46-1-103.

CONCLUSION

Based on the above, the State respectfully requests the Court deny the Defendant's Motion to Dismiss Due to Failure to Review Fitness Within the Statutory Deadline because the Court has fully complied with the provisions of Mont. Code Ann. § 46-14-221(3) and because the Defendant had affirmatively and explicitly waived the statutorily created deadline by agreeing to set a hearing on September 7, 2018.

Respectfully submitted this 20 day of September, 2018.

BRANT S. LIGHT
DANIEL GUZYNSKI
MARY E. COCHENOUR
Assistant Attorneys General
Special Deputy County Attorneys
for Broadwater County
CORY SWANSON
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By:


MARY E. COCHENOUR