

1 Michael Winsor
2 Special Deputy Lewis &
3 Clark County Attorney
4 228 Broadway - Courthouse
5 Helena, MT 59601
6 (406) 444-2040

7 Attorney for Plaintiff

8
9 MONTANA FIRST JUDICIAL DISTRICT COURT, LEWIS AND CLARK COUNTY

10
11 THE STATE OF MONTANA,)
12)
13 Plaintiff,) Cause No. CDC-2006-175
14)
15 -vs-)
16)
17 GEORGE H. WEABER)
18)
19 Defendant.)

20
21 ***ACKNOWLEDGMENT OF WAIVER OF RIGHTS***
22 ***BY PLEA OF GUILTY (ALFORD PLEA)***

23 I, George H. Weaber, am prepared to enter a plea of guilty in the above-entitled matter
24 pursuant to North Carolina v. Alford, 400 U.S. 25 (1970). This plea is being made voluntarily
25 and is not the result of force or threats or of promises made.

26 I acknowledge that my attorney has explained to me and advised me of the following and
27 I fully understand that:

1. I am charged in Count I with INSURANCE FRAUD, a felony, in violation of
Section 33-1-1202, Mont. Code Ann., and punishable by not more than ten (10) years in the state
prison or a fine of not more than \$50,000.00, or both.

ACKNOWLEDGMENT OF WAIVER OF RIGHTS BY PLEA OF GUILTY

1 I am charged in Count II with CRIMINAL POSSESSION OF DANGEROUS
2 DRUGS, a felony, in violation of Section 45-9-102, Mont. Code Ann., and punishable by not
3 more than five (5) years in the state prison or a fine of not more than \$50,000, or both.

4 2. I have the right to plead not guilty or to persist in that plea if already made.

5 3. I have the right to be tried by a judge or a jury, and at trial, I have the following
6 rights:

- 7
8 (A) The right to the assistance of counsel;
9 (B) The right to have testimony from my witnesses;
10 (C) The right to confront and cross-examine witnesses against me;
11 (D) The right not to be compelled to incriminate myself;
12 (E) The right to require my guilt to be proven beyond a reasonable doubt.

13 4. By pleading guilty I give up the right to a trial by judge or jury, the right to have
14 witnesses testify on my behalf, the right to confront and cross-examine witnesses against me, the
15 right not to be compelled to incriminate myself and the right to appeal any finding of guilt.

16 5. Pursuant to Section 46-12-204, MCA, and conditioned upon the understandings
17 specified herein, I agree to plead guilty to CRIMINAL POSSESSION OF DANGEROUS
18 DRUGS, a felony, in exchange for the State moving to **dismiss Count I** and with the following
19 understandings:

20 The State and Defendant agree, pursuant to Section 46-12-211(a) and (b), MCA,
21 Defendant should receive a six (6) year deferred imposition of sentence; the Defendant shall be
22 under the supervision of the Montana Department of Corrections, Probation and Parole, for the
23 first three (3) years of deferment, but shall not be so supervised for the remaining three (3) years
24 of deferment in the event he successfully completes the first three years with no violations of the
25 following conditions:

26 a. that he be placed under the supervision of the Department of Corrections and abide by all
27 of the Department's standard rules, including:

ACKNOWLEDGMENT OF WAIVER OF RIGHTS BY PLEA OF GUILTY

- 1 (i) **Residence:** that he will not change his place of residence without first obtaining
2 the permission of his supervising probation officer. His residence must be
3 approved by his supervising officer and it must be open and available for his
4 supervising officer to visit as required per policy. He shall not own
5 dangerous/vicious animals such as guard dogs, he shall not use perimeter security
6 doors, and he shall not refuse to open the door to his residence when requested;
7 (ii) **Travel:** that he will not leave his assigned district without first obtaining
8 written permission from his supervising probation officer;
9 (iii) **Reporting:** that defendant shall personally report to his supervising
10 probation officer as directed and submit written monthly reports on forms
11 provided and make himself available to his supervising officer as
12 requested;
13 (iv) **Weapons:** that he shall not own, possess or be in control of any firearms
14 or deadly weapons, including black powder, as defined by state or federal
15 law and not possess chemical agents such as O.C. spray;
16 (v) **Financial:** that he shall obtain permission from his supervising probation
17 officer before financing a vehicle, purchasing property or engaging in
18 business;
19 (vi) **Search:** that, upon reasonable cause, he shall submit to searches of his
20 person, vehicle, personal effects or residence by his supervising probation
21 officer, an ISP Officer or a law enforcement officer (at the direction of the
22 supervising officer/ISP officer), at any time, without a warrant. He may
23 also be searched at his place of employment. Any illegal property or
24 contraband will be seized and may be destroyed. Should he reside with
25 other persons, all places in his residence where he has access is subject to
26 search, even those private rooms of other persons with whom he resides,
27 unless those rooms are locked and he has no access;
(vii) **Laws and Conduct:** that he shall comply with all city, county, state, and
federal laws and ordinances and shall conduct him/herself as a good citizen.
He shall report any arrests or contacts with law enforcement to his
supervising probation officer within 72 hours. He shall at all times be
cooperative and truthful in all his communications and dealings with his
supervising officer;
(viii) **Illegal Drugs:** that he shall not possess or ingest any illegal drugs unless the drugs
are prescribed for him by his treating licensed physician nor shall he be in
possession of drug paraphernalia;
- b. That he will abide by the following Special Court Conditions:
- (i) He shall obtain a chemical dependency evaluation and follow all treatment
recommendations, if any, of the evaluator. He shall waive confidentiality
with regard to this evaluation to the Court, the Attorney General's Office,
and his supervising probation officer;
- (ii) He will not associate with any felons or known drug users without the
permission of his probation officer;
- (iii.) He be ordered to pay all future costs of incarceration and medical costs
while incarcerated pursuant to Section 7-32-2245, MCA;
- (iv) He will remain law abiding;

- (v) He will pay the mandatory surcharge of \$80.00;
- (vi) He will pay the cost of supervision as per Section 46-23-1031, MCA unless waiver eligible;
- (vii) He will provide a sample of his DNA as directed by Section 44-6-103, MCA.

6. I understand that this plea agreement is an agreement between me and the prosecutor and that the Court has not and cannot participate in the making of this agreement. The recommendation of the prosecuting attorney in no way binds the Court when imposing sentence.

7. I understand that on my plea of guilty alone, I could lawfully be sentenced to the maximum punishment authorized for the offense to which I plead guilty and that the court may limit my availability for parole.

8. I have considered the most severe sentence that could be imposed, and I understand that no lesser included offenses apply to my case.

9. I understand that my plea of guilty to this offense may affect any sentence I am currently serving.

10. I acknowledge that I am satisfied with the services of my attorney and that there has been ample time to prepare a defense.

11. I am not suffering from any emotional or mental disability from any cause including mental defect or impairment or the taking of drugs, alcohol or prescription medicine and I fully understand what I am doing.

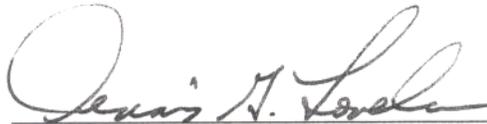
12. I am satisfied that my lawyer has been fair to me, has advised me fully of my rights, and has represented me properly.

DATED this 19 day of October, 2007.


DEFENDANT

1 I certify that the defendant has read the above or I have read the above to the defendant
2 and I have advised the defendant of the above and explained it to him and I am satisfied that he
3 understands all his rights and that his plea of guilty is being voluntarily made, and that he
4 understands he is waiving such rights by entry of said plea.
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7 DATED this 19 day of October, 2007.

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11 Dennis G. Loveless
12 Attorney for Defendant
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