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MONTANA FIRST JUDICIAL DISTRICT COURT, LEWIS AND CLARK COUNTY
Before THE HONORABLE THOMAS C. HONZEL, Presiding Judge

THE STATE OF MONTANA,)
)
 Plaintiff,)
)
 -vs-)
)
 GEORGE H. WEABFR,)
)
 Defendant.)
)

No. CDC 2006-175

INDEXED

JUDGMENT

An Information was filed charging the above-named defendant with the felony offenses of Count I - INSURANCE FRAUD, in violation of Section 33-1-1202, MCA, alleged to have occurred from October 4, 2004 through July 15, 2005, and Count II - CRIMINAL POSSESSION OF DANGEROUS DRUGS (phentermine, alprazolam, propoxy, ADAP codeine, hydroco/APAP/lortab, diazepam, phenobarb, propoxy HCL and alprazolam), in violation of Section 45-9-102, MCA, alleged to have occurred on or about August 17, 2005. On August 17, 2006, the defendant appeared in open court with his attorney of record, Dennis Loveless, and pleaded not guilty to the offenses charged.

1 On November 8, 2007, a hearing was held for the purpose of entering
2 a change of plea at which the defendant was present with his attorney,
3 Dennis Loveless, and the State was represented by Special Deputy
4 Prosecuting Lewis and Clark County Attorney Michael Winsor. The State
5 moved the Court for an Order dismissing Count I of the Information, and
6 the Court granted the State's motion. The defendant advised the Court
7 that he was prepared to enter a guilty plea to the remaining offense
8 charged in the Information pursuant to North Carolina v. Alford, 400
9 U.S. 25 (1970), and presented to the Court a document entitled,
10 *Acknowledgment of Waiver of Rights by Plea of Guilty (Alford Plea)*. The
11 Court determined from the defendant and his attorney that the defendant
12 was entering his plea knowingly and voluntarily and that he was aware of
13 his constitutional and statutory rights that he would waive by entering
14 a plea of guilty. The Court admonished the defendant that the Court was
15 not bound by any plea agreement. The State made an offer of proof. The
16 Court then accepted the defendant's plea of guilty. The Court, having
17 considered the parties' plea agreement, the arguments of counsel, the
18 testimony and evidence presented, and being fully advised in the
19 premises, entered the following JUDGMENT:

20 IT IS HEREBY ORDERED that for the felony offense of Count II -
21 CRIMINAL POSSESSION OF DANGEROUS DRUGS (phentermine, alprazolam,
22 propoxy, ADAP codeine, hydroco/APAP/lortab, diazepam, phenobarb, propoxy
23 HCL and alprazolam), imposition of sentencing of the defendant is
24 deferred for a period of six (6) years, upon the conditions hereinafter
25 set forth.

26 Defendant is granted one (1) day credit for time served prior to
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1 sentencing.

2 Defendant's sentencing is conditioned upon the following:

3 1. The defendant shall pay the mandatory surcharges of \$80.

4 2. The defendant shall pay probation/parole supervisory fees in
5 the form of a money order or a cashier's check containing a reference to
6 defendant's full name and court cause number, to be mailed to the
7 following address: DEPARTMENT OF CORRECTIONS - COLLECTIONS UNIT, PO BOX
8 201350, HELENA, MT 59620 (technicians may be reached at toll free number
9 1-800-801-3478; 406-444-6872; or, 406-444-9613). (Defendant is advised
10 by the Department that no receipt will be provided to the defendant, so
11 it is imperative that defendant retain a carbon copy of the money
12 order/cashier's check).

13 Defendant shall pay the remainder of his financial obligation,
14 i.e., surcharges and costs, to the Court's restitution finance officer
15 located in the Courthouse, 228 Broadway, Helena, MT 59601 (406-447-8231,
16 telephone), on a schedule which he shall arrange with the officer.
17 Defendant shall advise the officer of any factors which may affect his
18 ability to pay his financial obligation or the officer's ability to
19 contact him.

20 3. The defendant shall submit to DNA testing (Section 46-6-103,
21 MCA).

22 4. The defendant shall remain law-abiding.

23 5. The defendant shall obtain a chemical dependency evaluation at
24 his own expense through a state approved treatment provider and shall
25 comply with all treatment recommendations. The defendant shall waive
26 any rights of confidentiality which he may have associated with his

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1 evaluation/treatment so that his treating therapist may confer with his
2 supervising officer.

3 6. The defendant shall not possess/use dangerous drugs, unless
4 prescribed for him by his treating physician. The defendant shall
5 submit to breathalyzer testing or bodily fluid testing for drugs as
6 requested by his supervising officer. Testing may be on a random or
7 regular basis, as required by the supervising officer.

8 7. The defendant shall not associate with probationers, parolees,
9 prison inmates, or persons in the custody of any law enforcement agency
10 without prior approval from his supervising officer. The defendant
11 shall not associate with persons as ordered by the Court or BOPP.

12 8. The defendant shall be placed under the supervision of the
13 Montana Department of Corrections, subject to all of its standard
14 administrative rules, including:

15 a. Residence: The defendant shall not change his place of
16 residence without first obtaining permission from his supervising
17 officer. The defendant's residence must be approved by his supervising
18 officer. The defendant shall make his home open and available for his
19 supervising officer to visit as required per policy. The defendant
20 shall not own dangerous/vicious animals such as guard dogs, he shall not
21 use perimeter security doors, and the defendant shall not refuse to open
22 the door to his residence when requested by a probation officer and/or
23 a law enforcement officer.

24 b. Travel: The defendant shall not leave his assigned district
25 without first obtaining written permission from his supervising officer.

26 c. Employment and/or Program: The defendant shall seek and
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1 maintain employment or a program approved by the BOPP or his supervising
2 officer. The defendant shall obtain permission from his supervising
3 officer prior to any change of employment. The defendant shall inform
4 his employer of his status on probation or parole.

5 d. Reporting: The defendant shall personally report to his
6 supervising officer as directed. The defendant shall submit written
7 monthly reports on forms provided. The defendant shall make himself
8 available to his supervising officer as requested.

9 e. Weapons: The defendant shall not own, possess or be in control
10 of any firearms or deadly weapons, including black powder, as defined by
11 state or federal laws. The defendant shall not possess chemical agents
12 such as O.C. spray.

13 f. Search of Person or Property: Upon reasonable suspicion/cause,
14 as ascertained by a probation officer and/or law enforcement officer,
15 defendant's person, vehicle, and/or residence may be searched at any
16 time, day or night, without a warrant by a supervising officer, ISP
17 Officer, probation officer or a law enforcement officer (at the
18 direction of the supervising officer/probation officer/ISP officer/law
19 enforcement officer). The defendant may also be searched at his place
20 of employment. Any illegal property or contraband will be seized and
21 may be destroyed. Should defendant reside with other persons, all
22 places in his residence where he has access is subject to search, even
23 those private rooms of other persons with whom he resides, unless those
24 rooms are locked and the defendant has no access.

25 g. Laws and Conduct: The defendant shall comply with all city,
26 county, state and federal laws and ordinances and shall conduct himself

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1 as a good citizen. The defendant shall report any arrests or contacts
2 with law enforcement to his supervising officer within 72 hours. The
3 defendant shall at all times be cooperative and truthful in all his
4 communications and dealings with his supervising officer.

5 h. Illegal Drug Use: The defendant shall not possess or ingest
6 illegal drugs or any drugs unless prescribed for him by his treating
7 licensed physician. The defendant shall not be in control of or under
8 the influence of illegal drugs, nor shall he have in his possession any
9 drug paraphernalia.

10 i. Supervision Fees: The defendant shall pay supervision fees as
11 per Section 46-23-1031, MCA, unless waiver eligible. If convicted of a
12 drug offense, the defendant may be ordered to pay \$50 per month pursuant
13 to Section 45-9-202(2)(d)(ii), MCA.

14 j. Financial: The defendant shall obtain permission from his
15 supervising officer before financing or purchasing a vehicle, property,
16 or engaging in business. The defendant shall not go into debt without
17 his supervising officer's permission.

18 9. The defendant shall be under the supervision of the Department
19 for the first three (3) years of deferment, but he shall not be so
20 supervised for the remaining three (3) years of deferment in the event
21 he successfully completes the first three (3) years of his
22 sentence/supervision with no violations.

23 10. The defendant shall pay all costs of future incarceration and
24 medical care while incarcerated, pursuant to Section 7-32-2245, MCA.

25 Pursuant to Section 46-18-116, MCA, the parties are advised that if
26 a written judgment and an oral pronouncement of sentence or other
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1 disposition conflict, the defendant or the prosecutor in the county in
2 which the sentence was imposed may, within 120 days after filing of the
3 written judgment, request that the court modify the written judgment to
4 conform to the oral pronouncement. The court shall modify the written
5 judgment to conform to the oral pronouncement at a hearing, and the
6 defendant must be present at the hearing unless the defendant waives the
7 right to be present or elects to proceed pursuant to Section 46-18-115,
8 MCA. The defendant and the prosecutor waive the right to request
9 modification of the written judgment if a request for modification of
10 the written judgment is not filed within 120 days after the filing of
11 the written judgment in the sentencing court.

12 In imposing the foregoing sentence, the Court considered the
13 parties' plea agreement and concurs with the parties' sentencing
14 recommendations.

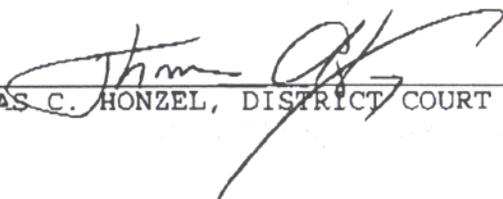
15 If the defendant has not already done so, he shall report to the
16 Lewis and Clark County Jail for the purpose of getting processed
17 (booked/fingerprinted).

18 Any instrumentalities of the crime or contraband seized during this
19 investigation are forfeited and shall be disposed of as provided by law.

20 Any bond posted in this matter is exonerated.

21 Done in open court the 8th day of November, 2007.

22 DATED at Helena, Montana, this 8th day of November, 2007.

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25 THOMAS C. HONZEL, DISTRICT COURT JUDGE
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CERTIFICATE OF SERVICE

The undersigned certifies that on the 13 day of October, 2007, a copy of the foregoing was served upon the defendant by mailing a copy of the same, by United States mail, postage prepaid, addressed to defendant's counsel of record as follows: DENNIS LOVELESS, PO BOX 225, HELENA, MT 59624.

Sharon Little
