

CLERK OF DISTRICT COURT
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MONTANA EIGHTH JUDICIAL DISTRICT COURT, CASCADE

STATE OF MONTANA,

Plaintiff,

vs.

SCOTT PALMER,

Defendant.

Cause No. BDC#

JUDGMENT OF CONVICTION
AND SENTENCING ORDER

FILED
BY [Signature]

On December 10, 2014, this matter came before the Court for a change of plea hearing.

The Defendant appeared in court with counsel Channing Hartelius. Special Deputy County Attorney Brett O'Neil appeared on the State's behalf.

The Court advised the Defendant of his rights. Defendant was duly sworn and testified on his own behalf.

The Defendant pled NOLO CONTENDERE to committing the following offense:

- (A) Count I – Theft by Insurance Fraud, Common Scheme, a felony in violation of §45-6-301(6), MCA;

The Court took the Defendant's change of plea under advisement and inquired as to whether the Defendant wished to waive a Pre-Sentence Investigation and go forward with sentencing today. The parties stipulated to waiving the Pre-Sentence Investigation and to going forward with the sentencing immediately. Therefore, the Court proceeded with sentencing.

Defendant testified on his own behalf and 4 exhibits (attached to the minutes of this hearing) were admitted without objection. The respective parties gave their sentencing recommendations and arguments to the Court and the Defendant made a short statement.

In determining the appropriate sentence in this case, the Court has considered: (1) the correctional and sentencing policies of the policy of the State of Montana; (2) the unique facts and circumstances of this case as set forth in the pleadings and prior proceedings before this

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1 Court; (3) Defendant's prior criminal history; (4) the terms of the plea agreement, if any, between
2 Defendant and the State; and (5) the Defendant's individual characteristics, circumstances, needs
3 and potential for rehabilitation and to return to productive and responsible status as a citizen of
4 this State.

5 THEREFORE, pursuant to Title 46, Chapter 18, MCA, the Court hereby orders,
6 adjudges, and decrees as follow:

7 A. Count I: Theft by Insurance Fraud (common scheme), the Defendant is hereby
8 given a three (3) year deferred imposition of sentence.

9 B. Supplementary Terms Of Conditions Sentence.

10 The Defendant is and shall be subject to the terms and conditions as set out in the
11 Pretrial Agreement.

12 The Defendant shall pay restitution in the amount of \$5,286.16. Attorney O'Neil
13 advised that this amount will be paid in full today. If restitution is, in fact, paid in
14 full today it is not necessary for the Defendant to sign up for probation.

15 The Defendant shall pay all the fees and/or charges which are statutorily
16 mandated, including:

- 17 a. Surcharge of the greater of \$20 or 10% of the fine for each felony offense.
18 [§ 46-18-236(1)(b), MCA]
- 19 b. Surcharge for victim and witness advocate programs of \$50 for each
20 misdemeanor or felony charge under Title 45, Crimes; § 61-8-401 (DUI);
21 or § 61-8-406 (DUI). [§ 46-18-236(1)(c), MCA].
- 22 c. \$10.00 per count for court information technology fee. (§ 3-1-317, MCA)
- 23 d. All monies are to be paid to the Clerk of District Court, Cascade County
24 Courthouse, 415 2nd Avenue North, Great Falls, Montana 59401.

25 After eighteen months, the Defendant may petition the Court to withdraw his plea,
26 contingent upon the Defendant's compliance with all probation conditions.

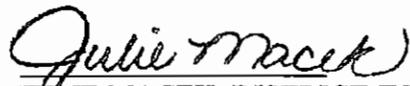
27 IT IS FURTHER ORDERED that any bond posted in this matter is hereby exonerated.

28 FINALLY, pursuant to § 46-18-116, MCA, in the event that this written judgment
conflicts with the Court's prior oral pronouncement of sentence or other disposition, the

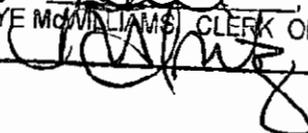
1 Defendant or the prosecutor in the county in which the sentence was imposed may, within 120
2 days after filing of the written judgment, request that the Court modify the written judgment to
3 conform to the oral pronouncement. Pursuant to § 46-18-116(2), MCA, the Court shall,
4 following a hearing, modify the written judgment to conform to the oral pronouncement.
5 Pursuant to § 46-18-116(2), MCA, Defendant must be present at the hearing unless Defendant
6 waives the right to be present or elects to proceed pursuant to § 46-18-115, MCA. Pursuant to §
7 46-18-116(2), MCA, Defendant and the State waive the right to request modification of the
8 written judgment if a request for modification of the written judgment is not timely filed within
9 120 days after the filing date of the written judgment in the above-captioned matter.

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11 In contrast, pursuant to § 46-18-116(3), MCA, the Court may correct a factually
12 erroneous sentence or judgment at any time. However, pursuant to § 46-18-116(3), MCA, the
13 parties must address any alleged illegal sentence in the manner otherwise provided for by law for
14 appeal and postconviction relief.

15 DATED this 18th day of December, 2014.

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18 JULIE MACEK, DISTRICT JUDGE

19 cc: Special County Attorney(AG)/Brett O'Neil
20 Defense Counsel/C Hartelius
21 Defendant, c/o counsel
22 Adult Parole and Probation (2 certified copies)
23 Cascade County Sheriff's Office (2 certified copies)
24 Great Falls Police Department
25 Montana State ID
26 Victim, c/o County Attorney

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CERTIFICATE OF MAILING
This is to certify that the foregoing was
duly served by mail upon counsel of
record at their address this 22nd
day of December, 2014
FAYE McWILLIAMS, CLERK OF COURT
By  DEPUTY