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8 **MONTANA TWENTY-FIRST JUDICIAL DISTRICT COURT, RAVALLI COUNTY**

9 STATE OF MONTANA, ) Cause No.: DC-11-117  
10 )  
11 Plaintiff, ) Honorable Loren Tucker, Presiding  
12 )  
13 vs. ) **JUDGMENT**  
14 )  
15 HARRIS HIMES, )  
16 )  
17 Defendant. )

18 After leave was granted by this Court, a criminal Information was filed on September  
19 23, 2011, by the Special Deputy Ravalli County Attorney as attorney for the State of Montana,  
20 charging the Defendant with: CHARGE I - THEFT - a FELONY, in violation of Mont. Code  
21 Ann. § 45-6-301(2)(c); CHARGE II - FAILURE TO REGISTER AS A SALESPERSON, a  
22 FELONY, in violation of Mont. Code Ann. § 30-10-201(1); CHARGE III - FAILURE TO  
23 REGISTER A SECURITY, a FELONY, in violation of Mont. Code Ann. § 30-10-202(1);  
24 CHARGE IV - FRAUDULENT PRACTICES, a FELONY, in violation of Mont. Code Ann. §  
25 30-10-301(1)(b); CHARGE V - CONSPIRACY TO COMMIT THEFT, a FELONY, in  
violation of Mont. Code Ann. §§ 45-6-301(2)(c) and 45-4-102(1); CHARGE VI -  
CONSPIRACY TO COMMIT FRAUDULENT PRACTICES, a FELONY, in violation of  
Mont Code Ann. §§ 30-10-301(1)(b) and 45-4-102(1).

1 On October 27, 2011, the Honorable Loren Tucker, District Judge, accepted and  
2 assumed jurisdiction over the above captioned case. On December 7, 2011, the Defendant was  
3 arraigned and was advised of the nature of the charges against him, of the maximum available  
4 sentences, and of his constitutional rights. The Defendant was provided with a true copy of the  
5 Information filed against him, made the decision to represent himself *pro se*, and after the  
6 Defendant entered pleas of not guilty to the above criminal charges, the case was set for trial.

7 On November 10, 2011, an Amended Information was filed charging the Defendant  
8 with: CHARGE I - THEFT - a FELONY, in violation of Mont. Code Ann. § 45-6-301(2)(c);  
9 CHARGE II - FAILURE TO REGISTER AS A SALESPERSON, a FELONY, in violation of  
10 Mont. Code Ann. § 30-10-201(1); CHARGE III - FAILURE TO REGISTER A SECURITY, a  
11 FELONY, in violation of Mont. Code Ann. § 30-10-202(1); CHARGE IV - FRAUDULENT  
12 PRACTICES, a FELONY, in violation of Mont. Code Ann. § 30-10-301(1)(b); CHARGE V -  
13 CONSPIRACY TO COMMIT THEFT, a FELONY, in violation of Mont. Code Ann. §§ 45-6-  
14 301(2)(c) and 45-4-102(1); CHARGE VI - CONSPIRACY TO COMMIT FRAUDULENT  
15 PRACTICES, a FELONY, in violation of Mont Code Ann. §§ 30-10-301(1)(b) and 45-4-  
16 102(1); CHARGE VII - FAILURE TO REGISTER AS A SALESPERSON, a FELONY, in  
17 violation of Mont. Code Ann. § 30-10-201(1). Charge VII was dismissed after this Court  
18 determined the statute of limitations had run.  
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20 On September 20, 2013, a one week trial by jury commenced with the result of an  
21 imposition of sentence and judgment regarding three of the six remaining charges filed.

22 NOW THEREFORE, IT IS ORDERED, AJUDGED AND DECREED:

23 A. That Defendant, HARRIS HIMES, is guilty of the crimes of: CHARGE II -  
24 FAILURE TO REGISTER AS A SALESPERSON, a FELONY, in violation of Mont. Code  
25 Ann. § 30-10-201(1); CHARGE III - FAILURE TO REGISTER A SECURITY, a FELONY,

1 in violation of Mont. Code Ann. § 30-10-202(1); CHARGE IV - FRAUDULENT  
2 PRACTICES, a FELONY, in violation of Mont. Code Ann. § 30-10-301(1)(b).

3 B. That Defendant is hereby sentenced as follows:

- 4 1. For Count II, Failure to Register as a Salesperson, a felony, Defendant is hereby  
5 committed to the Montana Department of Corrections for a term of ten years, of  
6 which ten are hereby suspended on the conditions hereinafter set forth;
- 7 2. For Count III, Failure to Register a Security, a felony, Defendant is hereby  
8 committed to the Montana Department of Corrections for a term of ten years, of  
9 which ten are hereby suspended on the conditions hereinafter set forth;
- 10 3. For Count IV, Fraudulent Practices, a felony, Defendant is hereby committed to  
11 the Montana Department of Corrections for a term of ten years, of which ten are  
12 hereby suspended on the conditions hereinafter set forth;
- 13 4. The Defendant shall sign up with Adult Probation & Parole Bureau as soon as a  
14 written judgment is available.
- 15 5. The Defendant shall pay restitution in the amount of \$150,000 to the victim,  
16 G.S., in monthly installments of \$1,500 with \$5,000 (less the cost of a court  
17 transcript of these proceedings) due immediately. The Court finds that said  
18 restitution is a fair and reasonable amount and determines that the Defendant has  
19 the ability and means to pay said restitution.
- 20 6. Defendant shall be assessed surcharges pursuant to Mont. Code Ann. § 46-18-  
21 236 in the amount of \$60.00, victim advocate fees in the amount of \$150.00, and  
22 technology user fees in the amount of \$30.00.

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24 C. The suspended portion of the above sentences shall be on the following conditions:

- 25 1. The Defendant shall report personally and in writing to his Probation Officer as

1 directed.

- 2 2. The Defendant shall a) not change his place of residence or b) leave his assigned  
3 district without first obtaining written permission from his Probation Officer.
- 4 3. The Defendant shall seek, obtain and maintain employment or a program  
5 approved by his Probation Officer.
- 6 4. The Defendant shall serve 90 days in the Ravalli County Jail. He will serve five  
7 days of every seven day week. This requirement is stayed pending appeal.
- 8 5. The Defendant must obtain permission from his Probation Officer before  
9 incurring any obligation greater than \$500.00.
- 10 6. The Defendant must obtain permission from his Probation Officer before  
11 engaging in a business or changing employment.
- 12 7. The Defendant shall not possess or control any device to monitor law  
13 enforcement activity.
- 14 8. The Defendant shall not possess or control any firearms or deadly weapons.
- 15 9. Pursuant to Mont. Code Ann. § 46-6-103, the Defendant shall submit a DNA  
16 sample.
- 17 10. The Defendant shall comply with all laws and court orders and must report any  
18 contact with law enforcement to his Probation Officer within 72 hours.
- 19 11. The Defendant shall complete a Cognitive Principals and Restructuring course  
20 as directed by his Probation Officer.
- 21 12. The Defendant shall submit a yearly credit report to his Probation Officer as  
22 well as any financial documents that that the Probation Officer requests.
- 23 13. The Court of Ravalli County shall retain jurisdiction regarding any probationary  
24 sentence.  
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NOTICE

The Parties are hereby put on notice that pursuant to Mont. Code Ann. § 46-18-116(2), the Defendant or the prosecutor in the county in which the sentence was imposed may, within 120-days after filing of the written Judgment, request that the Court modify the written Judgment to conform to the oral pronouncement. The Court shall modify the written Judgment to conform to the oral pronouncement at a hearing, and the Defendant must be present at the hearing unless the Defendant waives the right to be present or elects to proceed pursuant to § 46-18-115. The Defendant and the prosecutor waive the right to request modification to the written Judgment if a request for modification of the written Judgment is not filed within 120 days after the filing of the written Judgment in the sentencing Court.

The Defendant is free on his own recognizance, pending appeal.

DONE IN OPEN COURT on the 20th day of December, 2013.

DATED this \_\_\_ day of January, 2014.

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**LOREN TUCKER**  
**District Court Judge**