

1 Hon. Karen S. Townsend
2 Department No. 4
3 Fourth Judicial District
4 Missoula County Courthouse
5 Missoula, MT 59802
6 (406) 258-4780

FILED MAR 13 2012

SHARLEY L. FAUST, CLERK
By *[Signature]*

11 MONTANA FOURTH JUDICIAL DISTRICT COURT, MISSOULA COUNTY

14 STATE OF MONTANA,
15 Plaintiff,

16 -vs-

17 TERRY D. PARKS,
18 Defendant.

Dept. No. 4
Cause No. DC-32-2010-0000371-IN

JUDGMENT

21 The above-entitled cause came on regularly before the Court upon the application of
22 Jesse Laslovich, Deputy County Attorney of Missoula County, State of Montana, for leave
23 to file an Amended Information accusing the Defendant of the following crimes:
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Count Number	Offense	M.C.A. §
1	Theft - a Felony	45-6-301(1) (c)
2	Fraudulent & Other Prohibited Practices (Sale Of Securities)	30-10-301(1)(b)
3	Fraudulent & Other Prohibited Practices (Sale Of Securities)	30-10-301(1)(b)
4	Fraudulent & Other Prohibited Practices (Sale Of Securities)	30-10-301(1)(b)

Whereupon leave to file the Amended Information having been granted and the Defendant being informed of all Defendant's legal rights, the Defendant was duly arraigned, answered to Defendant's true name, and the reading of the Amended Information was waived.

The Defendant was represented by attorneys Robert Henry, Scott Spencer, and Colin M. Stephens at all stages of these proceedings. By order dated August 17, 2011, the Court dismissed Count I of the Amended Information, and on September 8, 2011, a jury found the Defendant guilty of the offenses as charged in Counts II, III, and IV of the Amended Information.

On September 8, 2011, IT WAS ADJUDGED AND DECREED that the Defendant is guilty of the offenses of Counts II, III, and IV of the Amended Information.

A Pre-sentence Investigation Report was ordered and the Court having received and reviewed the report and being fully advised of the facts of this case,

The Court ORDERED the sentence and judgment as follows:

Count #	M.C.A.	Finding	Total Sentence	Time Suspended	Deferral Date	Confinement Facility	Confinement Comment Consecutive or Concurrent
1	45-6-301(1)(c)-- Theft - Obtain Or Exerts Unauthorized Control Over Property - 1st Offense	Dismissed by Court					
2	30-10-301(b) -- Fraudulent & Other Prohibited Practices (Sale Of Securities)	Guilty By Jury	10 years			Montana State Prison	Count II: Defendant shall receive credit for time served in the amount of 296 days.
3	30-10-301(b) -- Fraudulent & Other Prohibited Practices (Sale Of Securities)	Guilty By Jury	10 years	10 years		Montana State Prison	Defendant shall receive credit for time served in the amount of 296 days. Consecutive to the sentence imposed on Count II.
4	30-10-301(b) -- Fraudulent & Other Prohibited Practices (Sale Of Securities)	Guilty By Jury	10 years	10 years		Montana State Prison	Defendant shall receive credit for time served in the amount of 296 days. Consecutive with the sentence imposed in Count III

1 The terms and condition of probation are:

2
3 1. The Defendant be placed under the supervision of the Department of Corrections,
4 subject to all rules and regulations of the Adult Probation & Parole Bureau.

5 2. The Defendant must obtain prior written approval from his/her supervising officer
6 before taking up residence in any location. The Defendant shall not change his/her place
7 of residence without first obtaining written permission from his/her supervising officer
8 or the officer's designee. The Defendant must make the residence open and available to
9 an officer for a home visit or for a search upon reasonable suspicion. The Defendant
10 will not own dangerous or vicious animals and will not use any device that would
11 hinder an officer from visiting or searching the residence.

12 3. The Defendant must obtain permission from his/her supervising officer or the
13 officer's designee before leaving his/her assigned district.

14 4. The Defendant must seek and maintain employment or maintain a program approved
15 by the Board of Pardons and Parole or the supervising officer. Unless otherwise directed
16 by his/her supervising officer, the Defendant must inform his/her employer and any
17 other person or entity, as determined by the supervising officer, of his/her status on
18 probation, parole, or other community supervision.

19 5. Unless otherwise directed, the Defendant must submit written monthly reports to
20 his/her supervising officer on forms provided by the probation and parole bureau. The
21 Defendant must personally contact his/her supervising officer or designee when directed
22 by the officer.

23 6. The Defendant is prohibited from using, owning, possessing, transferring, or
24 controlling any firearm, ammunition (including black powder), weapon, or chemical
25 agent such as oleoresin capsicum or pepper spray.

26 7. The Defendant must obtain permission from his/her supervising officer before
 engaging in a business, purchasing real property, purchasing an automobile, or incurring
 a debt.

1 8. Upon reasonable suspicion that the Defendant has violated the conditions of
2 supervision, a probation and parole officer may search the person, vehicle, and
3 residence of the Defendant, and the Defendant must submit to such search. A probation
4 and parole officer may authorize a law enforcement agency to conduct a search,
5 provided the probation and parole officer determines reasonable suspicion exists that the
6 Defendant has violated the conditions of supervision.

7 9. The Defendant must comply with all municipal, county, state, and federal laws and
8 ordinances and shall conduct himself/herself as a good citizen. The Defendant is
9 required, within 72 hours, to report any arrest or contact with law enforcement to his/her
10 supervising officer or designee. The Defendant must be cooperative and truthful in all
11 communications and dealings with any probation and parole officer and with any law
12 enforcement agency.

13 10. The Defendant is allowed to be in possession of alcohol, but he is not allowed to
14 purchase or consume alcohol. Defendant is prohibited from using or possessing illegal
15 drugs. The Defendant is required to submit to bodily fluid testing for drugs or alcohol
16 on a random or routine basis and without reasonable suspicion.

17 11. The Defendant is prohibited from gambling.

18 12. The Defendant shall pay all fines, fees, and restitution ordered by the sentencing
19 court.

Fine & Fees Description (To be paid to the Missoula District Clerk of Court)	Amount
Fine	.00
County Attorney Surcharge	60.00
Prosecution Costs	200.00
Public Defender Fee	800.00
Surcharge IT - Court Information Technology	30.00
Victim Witness Surcharge	147.00
Cost of Extradition	1527.04
Victim Witness Admin Fee	3.00
Total Amount Due	\$2767.04

1 13. **The Defendant shall pay restitution in the amount of \$54,600.00.** The Probation
2 & Parole Officer will determine the amount of payments if the offender is on
3 supervision; otherwise, the DOC will take a portion of the offender's inmate account if
4 the offender is incarcerated. All restitution payments will be made by money order or
5 cashier's check and sent to the Department of Corrections, Collection Unit, P.O. Box
6 201350, Helena, MT 59620. As restitution in this matter is received by the Department
7 of Corrections, the Department may pro-rate partial payments to the victims. **The**
8 **Department shall pay the restitution to Reece Cobeen, c/o Office of the**
9 **Commissioner of Securities & Insurance, Legal Bureau, 840 Helena Avenue,**
10 **Helena, MT 59601.** The Defendant will be assessed a 10% administration fee on all
11 restitution ordered. All of the methods for collection of restitution provided under §46-
12 18-241 through §46-18-249, MCA, shall apply, including garnishment of wages and
13 interception of tax refunds. Pursuant to §46-18-244(6)(b), MCA, the Defendant shall
14 sign a statement allowing any employer to garnish up to 25% of his/her wages. The
15 Defendant will continue to make monthly restitution payments until he/she has paid full
16 restitution, even after incarceration or supervision has ended.

17 14. All Defendants convicted of a felony offense shall submit to DNA testing. (§44-6-
18 103, MCA)

19 15. The Defendant shall be given credit against the fine for time served in jail prior to
20 sentencing. (§46-18-403, MCA)

21 16. The Defendant shall obtain a mental health evaluation/assessment by a state-
22 approved evaluator. The Defendant shall pay for the evaluation and follow all of the
23 evaluator's treatment recommendations.

24 17. The Defendant shall provide yearly credit report.

25 18. The Defendant shall not knowingly have any contact, oral, written, electronic or
26 through a third party, with the victim(s) unless such contact is voluntarily initiated by
the victim(s) through the Department of Corrections. DOC staff may notify victims
about the availability of opportunities for facilitated contact with their offenders without
being considered "third parties."

19. The Defendant will be prohibited from conducting any business deals concerning
property, obtaining loans or exchanges of any type of securities.

1 20. All employment must be preapproved by his supervising officer.

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3 The reasons for this Judgment are that the Defendant does not have any previous
4 convictions, but the Court believes that the Defendant has not taken responsibility for his
5 actions. Further, the Court believes that the securities laws were put in place to protect
6 people like the victim in this matter, and the suspended portion of this sentence will allow
7 the Defendant the time to pay restitution.

8 The Defendant was remanded over to the custody of the Sheriff's Department to be
9 delivered into the custody of the proper officials from the Montana State Prison.

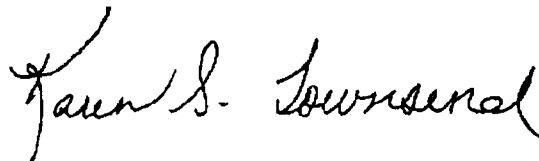
10 Any bail posted was exonerated.

11 **NOTICE PURSUANT TO § 46-18-116**

12 If the terms of this written judgment conflict with the sentence or other disposition
13 pronounced orally in Open Court, the Defendant or the State of Montana may request that
14 the Court modify the written judgment to conform to the oral pronouncement. That request
15 must be made within 120 days after filing of the written judgment or the right to request
16 modification is waived. The Court will modify the written judgment to conform to the oral
17 pronouncement at a hearing conducted in the presence of the Defendant unless the right to
18 be present is waived or the Defendant elects to proceed using two-way electronic audio
19 video communication as authorized by Section 46-18-116 M.C.A. The right to request
20 modification of this judgment is waived if not exercised within 120 days of filing.

21 Done in open Court the 24th day of February, 2012.

22 DATED this 7th day of March, 2012.

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25 Karen S. Townsend
26 District Judge