

---

IN THE EIGHTEENTH JUDICIAL COURT OF GALLATIN COUNTY BOZEMAN MONTANA

Robert Maxin  
AO#: 3019778  
50 Crossroads Drive  
Shelby, MT. 59474

June 1st, 2020  
Cause No. DA-19-0186

STATE OF MONTANA  
PLAINTIFF

M O T I O N  
DEFENDANTS ANSWER TO THE  
A N D E R S B R I E F

VS.

ROBERT MAXIN

---

When all this started the detective [ Don Mayland ] who interviewed me told me several times that he could prove that I was guilty by D.N.A. testing. So I volunteered to have my D.N.A. tested and the detective never did take it from me.

My first attorney Mayo Ashley continually told me that I had nothing to worry about because they did not have a case against me. The day before court when I was to appear Mayo drove all day to get back from Seattle Washington where his wife was in the I.C.U. She had been air lifted from Helena to Seattle Washington. I suspect that had something to do with him wanting me to take the plea agreement by pleading guilty. As soon as court was over he drove back to the hospital in Seattle where his wife was. Mayo told me if I did not take the plea deal I would have to go to prison. He told me it does not matter whether I am not guilty or not that is just the way it is in Montana. I repeatedly told him that it was not right to plead guilty when I wasn't. When I went to the PO interview I told him that I lied in the court when when I entered the guilty plea. My attorney Mayo Ashley said either take the plea or get yourself another attorney. If you could listen to the court recordings you would hear me telling Mayo Ashley that it wasn't right you could also hear me telling the attorney that I could not hear the judge speaking so Mayo Ashley was telling me what to say to the questions. As soon as Mayo found out what I said to the PO he made a motion to withdraw as my attorney. The motion was granted and I was assigned Brandon Hartford to represent me.

(continued )

The first thing he said to me was he could not believe that Mayo Ashley told me to take the plea deal. So shortly after the plea deal was entered I was issued a T.R.O. and I read it immediately and called Mayo Ashley and asked him if I had to move out of my house. He said if they wanted me to move out of my house the deputy would of told me to leave. Mr. Mayo told me he would take care of it with the court When I went home to my house I unintentionally violated the T.R.O. and this violated the agreement with the court by violating the T.R.O. So a motion was submitted to the court to with draw my guilty plea. I found out it was denied by reading the newspaper. I was sentenced on July 31st, 2018. Later that day my wife called Julie, Mayo's assistant and found out Mayo had pasted away from cancer which he had been battling for years. Had I known this I would not of had him for my attorney, because I feel that his condition was effecting his judgment that put me iin the situation I am in now.


Mr Mayo told me several things that were not true, such as I would be able to sell my house and move to Washington. I would not have to register as a sex offender. I found out later that this was not true from my second atty. As I look back I believe Mr. Mayo Ashley should of not been practicing law with his medical problems he was dealing with at the time.

Sincerely

A handwritten signature in dark ink, appearing to read 'Robert Maxin', with a long horizontal flourish extending to the right.

Robert Maxin ( defendant )

C E R T I F I C A T E  
O F S E R V I C E

I Robert Maxin hereby certify that all information on this answer brief is true and correct and is within the Rule 11 (b) of Appellant Procedure, in accordance to the M.C.A. Chapters 20-29 and The Criminal Rules of the M.C.A. Chapters 40-49. I also certify that a copy of my answering brief is being mailed to those parties listed below.-----

Robert Maxin

Montana Supreme Court of Appeals  
Appellant Division  
Chief Justice Mike McGarth  
Bureau Chief ( C. Mark Fowler)  
215 North Sanders  
Helena, MT. 59620-1401


Marty Lambert Attorney for  
Plaintiff and Appellee  
Gallatin County Attorney  
1709 West College  
Bozeman, MT. 59715

Hailey Connell Jackson  
Assistant Appellant Defender  
Office of the State Public Defender  
Appellant Defender Division  
P.O. BOX 200147  
Helena, MT. 59620-0147  
HC. Jackson@mt.gov  
(406)-444-9505  
Also Representing Robert Maxin Appellee

Timothy C. Fox  
Attorney General  
C. Mark Fowler  
Bureau Chief  
Appellant Services Bureau  
215 North Sanders  
P.O. BOX 201401  
Helena, MT. 59620-1401

A F F I D A V I T T

I Robert Maxin hereby swear all information in the answering brief and the certificate of service is true and correct so help me God. And all listed on the certificate of service are being notified by the U.S. Mail.

BY: 

ROBERT MAXIN

NOTARY S. Clark

My COMMISSION EXPIRES 08 day of May 2023

S. Clark

Notary's Printed Name

(SEAL)

