

ORIGINAL

FILED

12/15/2020

Bowen Greenwood
CLERK OF THE SUPREME COURT
STATE OF MONTANA

Case Number: DA 18-0651

IN THE SUPREME COURT OF THE STATE OF MONTANA

DA 18-0651

STATE OF MONTANA,

Plaintiff and Appellee,

v.

DAVID ALAN JEFFORDS,

Defendant and Appellant.

FILED

DEC 15 2020

Bowen Greenwood
Clerk of Supreme Court
State of Montana
ORDER

Appellant David Alan Jeffords appeals from the Judgment and Sentence of the Twelfth Judicial District Court, Liberty County. Jeffords argues the District Court erred by imposing illegal conditions of probation or parole.

Although not included in the written judgment, during its oral pronouncement of sentence, the District Court ordered that Jeffords was banished from Liberty, Toole, and Glacier Counties, and all adjoining counties, during any period of probation and parole. The District Court further orally pronounced that it would not impose three conditions that restricted Jeffords's contact with minors because there was an insufficient nexus between contact with minors and his offense. However, the court included two of those conditions, designated as Condition 38 and Condition 39, in its written judgment.

The State has filed a Notice of Concession that this matter should be remanded to the District Court for the purpose of voiding and striking from the record the banishment condition imposed in the oral pronouncement, and striking from the written Judgment and Sentence the two conditions the District Court had orally ruled it would not impose.

Based on Jeffords's opening brief and the State's concession, and good cause appearing,

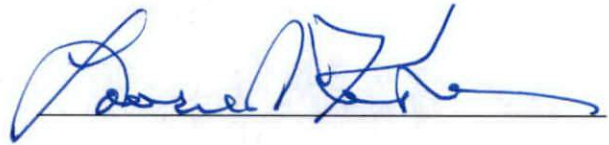
IT IS HEREBY ORDERED that the this case is remanded to the Twelfth Judicial District Court, Liberty County, with instructions for the District Court to strike the

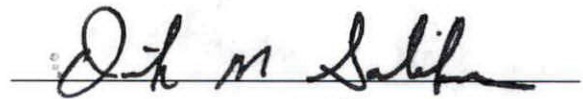
banishment condition from its oral pronouncement and to strike Conditions 38 and 39 from the written Judgment and Sentence.

The Clerk is directed to provide copies of this Order to all counsel of record and to presiding judge Honorable David Cybulski.

Dated this 15th day of December, 2020.


Chief Justice








Justices