

FILED

08/31/2021

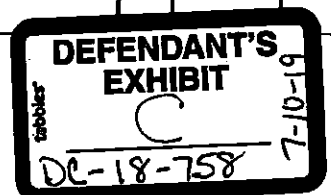
Bowen Greenwood
CLERK OF THE SUPREME COURT
STATE OF MONTANA

Case Number: DA 20-0037

Appendix 1

MAKER		Martell. Dale		COLLECTIONS DATE		DATE RETURNED	
		PAYEE		PLACE			
				CHG-OFF YEAR			
BK & PH#		REASON Altered Fictious		AMOUNT		DATE CASHED	
MAKER #'S		PAYEE #'S					
Hm	Wk	Cell	Hm	Wk	Cell		

PAYDATES			DIR DEP?					
CALLS			CRITICAL NOTES			PAYMENTS		
T E L L E R	D A T E	S T A T U S				D A T E	A M T	B A L
	6/4/18		Called Lakefield Vet. Group at 11:15AM CHECK AMOUNT				2780	-
			Spoke w/ Terry /accts payable mngr. RI FEE				0	-
			tried to verify check, she said that BEG BALANCE				2780	-
			check is FAKE, That the check # was dated					
			Jan 10, 2018 and was for \$510.00					
	6/4/18		called Dale Martell at 11:30 Am - told him that					
			check was fake and that it would be coming					
			back, got all blabber indignant, said he was going					
			to call them cuz he did the work blab blab.					
	6/5		called him again went to voicemail, was so mad					
			I didnt leave him msg.					
	6/6		called him again, told him to return as much					
			money as he could to minimize the situation					
			but we expect the full \$2780. said he had					
			client on 6/8/18 and would be in.					
	6/7		called again, he told me that he had another					
			job on Friday but he would be in on					
			Friday with the money					
	6/11		called him again, said he was going to Helena					
			on Wednesday 6/13/18 to pick up \$ from					
			someone and would be back by noon					
	6/12		called at 5:48pm saying he was					
			still going to Helena in morning to get \$					



[illegible]

Appendix 2



First Interstate Bank
PO Box 30918
Billings, MT 59116-0918
1-855-342-3400
www.firstinterstatebank.com

901

DBA E Z MONEY CHECK CASHING
LOI INC
2100 STEPHENS AVE STE 101
MISSOULA, MT 59801-6607

Acct: xxxxxx3210
As of: 6/7/2018

NOTICE OF RETURNED DEPOSITED ITEMS CHARGED TO YOUR
ACCOUNT. IF YOU ARE A CONSUMER, AND THE ATTACHED ITEM IS A
SUBSTITUTE CHECK, PLEASE READ THE IMPORTANT INFORMATION ON
THE BACK OF THIS NOTICE.

Account Owner: LOI INC

The following deposited item(s) has been returned and charged back to your account:

<u>Routing Number</u>	<u>Check #</u>	<u>Account</u>	<u>Trace</u>	<u>Return Reason</u>	<u>Amount</u>
07100028	1036821	1821826	60718010126	Altered/Fictitious Item	\$2,780.00

Total items charged back to your account: \$2,780.00



071000288
06/07/2018
3241454850

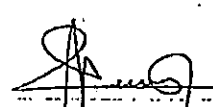
This is a LEGAL COPY of your
check. You can use it the same
way you would use the original
check

RETURN REASON-N
ALTERED /
FICTITIOUS

1700849095
0092901683 06/04/2018

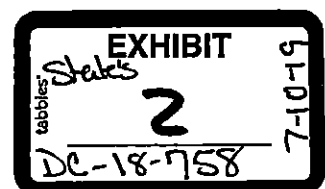
ALTER/FICT

THIS DOCUMENT CONTAINS INVISIBLE UV SECURITY AND MICROPRINTING. THE REVERSE SIDE INCLUDES AN ARTIFICIAL WATERMARK.

LAKEFIELD VETERINARY GROUP 19717 62ND AVE S STE F103 KENT WA 98032-1153		BMO HARRIS BANK N.A.	1036821 2-28710
		DATE 5/22/2018	
PAY TO THE ORDER OF	Dale Martell	S **2,780.00	
Two Thousand Seven Hundred Eighty and 00/100		DOLLARS	
Dale Martell 402 S 4TH ST W MISSOULA MT 59801-2632			
⑈001036821⑈ ⑆071000288⑆ 1821826⑈			

⑈001036821⑈ ⑆071000288⑆

1821826⑈ ⑆0000278000⑆



061000146 06/07/2018
 3241454850 RR - N
 071000288 06/05/2018
 2600064224 RR - N
 071000288 06/05/2018
 2600064224

Do not endorse or write below this line

ENDORSE HERE

[Signature]

PAY TO THE ORDER OF
 FIRST INTERSTATE BANK
 MISSOULA, MONTANA 59806-4687

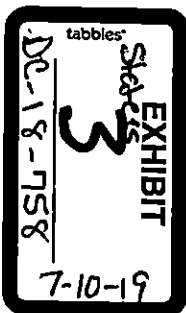
> 092901683 <
 FOR DEPOSIT ONLY
 \$2 MONEY CHECK CASHING

DO NOT WRITE, STAMP OR SIGN BELOW THIS LINE
 PERMITTED BY FINANCIAL INSTITUTION

>092901683<
 First Interstate Bk #1700
 06/04/2018
 1700849095
 Batch 144840388

>092901683< 06/04/2018
 1700849095

1700849095



Appendix 3

INSTRUCTION NO. 4

Preliminary Instruction 4

An Information has been filed charging the Defendant, Dale Martell, with the offense of Theft, alleged to have been committed in Missoula County, State of Montana, on or about June 1, 2018. The Defendant has pled not guilty. The jury's task in this case is to decide whether the Defendant is guilty or not guilty based upon the evidence and the law as stated in my instructions. These are some of the rules of law that you must follow:

1. The filing of an Information is simply a part of the legal process to bring this case into Court for trial and to notify the Defendant of the charges against him/her. Neither the Information nor the charges contained therein are to be taken by you as any indication, evidence or proof that the Defendant is guilty of any offense.
2. By a plea of not guilty, the Defendant denies every allegation of the charge.
3. The State of Montana has the burden of proving the guilt of the Defendant beyond a reasonable doubt. Proof beyond a reasonable doubt is proof of such a convincing character that a reasonable person would rely and act upon it in the most important of his or her own affairs. Beyond a reasonable doubt does not mean beyond any doubt or beyond a shadow of a doubt.
4. The Defendant is presumed to be innocent of the charge against him. This presumption remains with him throughout every stage of the trial and during your deliberations on the verdict. It is not overcome unless from all the evidence in the case you are convinced beyond a reasonable doubt that the Defendant is guilty. The Defendant is not required to prove his innocence or present any evidence.

GIVEN:


DISTRICT JUDGE

Appendix 4

INSTRUCTION NO. 16

Issues in Theft by Unauthorized Control

To convict the Defendant of the charge of theft, the State must prove the following elements:

1. That EZ Check Cashing and Loans was the owner of approximately \$2,780 in cash;

AND

2. That the Defendant purposely or knowingly obtained or exerted unauthorized control over the cash;

AND

3. That the Defendant purposely or knowingly used, concealed, or abandoned the cash in such manner as to deprive EZ Check Cashing and Loans of it;

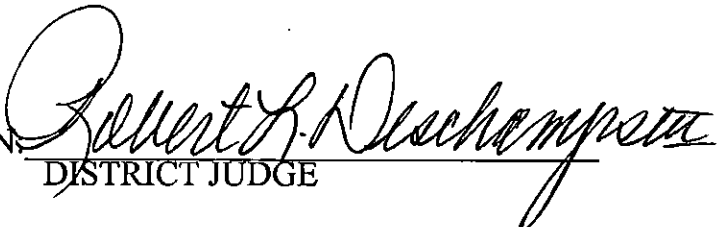
AND

4. That the value of the cash exceeded \$1,500 but was less than \$5,000.

If you find from your consideration of the evidence that all of these elements have been proved beyond a reasonable doubt, then you should find the Defendant guilty.

If, on the other hand, you find from your consideration of the evidence that any of these elements has not been proved beyond a reasonable doubt then you should find the Defendant not guilty.

GIVEN


DISTRICT JUDGE