

IN THE SUPREME COURT OF THE STATE OF MONTANA

PR 22-0001

STATE OF MONTANA,

Plaintiff,

vs.

O R D E R

ANTHONY WEIMER,

Defendant.

Defendant Anthony Weimer has filed a Notice of Defendant Questioning Impartiality of Judge Heidi J. Ulbricht in Cause No. DC-20-207C in the Eleventh Judicial District Court, Flathead County. Judge Ulbricht construed Weimer's Notice as a motion to disqualify and, pursuant to § 3-1-805, MCA, forwarded it to this Court.

In this case, Weimer filed his Notice in the District Court on August 12, 2022, while trial is set for August 22, 2022. Section 3-1-805, MCA, provides that an affidavit for disqualification for cause must be filed more than 30 days before the date set for hearing or trial. As a result, it is unnecessary to appoint a district judge to hear this matter.

IT IS THEREFORE ORDERED that the motion to disqualify District Judge Heidi J. Ulbricht from Flathead County Cause No. DC-20-207C is DENIED.

The Clerk is directed to provide copies of this Order to the Clerk of the District Court of Flathead County for notification to all parties in Cause No. DC-20-207C, and to the Honorable Heidi J. Ulbricht.