

FILED

09/26/2022

Bowen Greenwood

CLERK OF THE SUPREME COURT

STATE OF MONTANA

Case Number: DA 22-0551



I hereby certify that the instrument to which this certificate is affixed is a true, correct and compared copy of the original in the office of the Clerk of the District Court.
Witness my hand and seal of the District Court of Cascade County this
day of **AUG 01 2022**
By *[Signature]*
Deputy Clerk

MONTANA EIGHTH JUDICIAL DISTRICT COURT, CASCADE COUNTY

THE STATE OF MONTANA,

Plaintiff,

vs.

JADE HUNTER KERR,

Defendant.

Cause No. ADC-21-684

**SENTENCE, ORDER TO
CLOSE FILE, and ORDER
EXONERATING BOND**

On July 27, 2022, the date set for sentencing herein, the above-named Defendant appeared in custody and was represented by his counsel, Carl Jensen. The State was represented by Deputy County Attorney Amanda Lofink.

The parties discussed restitution, and Mr. Jensen advised the Defendant would stipulate to the amount of restitution.

There were no necessary corrections to the PSI except credit for time served. Mr. Jensen moved the Court to waive PSI condition 13(f) as he is retained counsel.

Linda Eve, Defendant's mother, was duly sworn and testified on behalf of the Defendant.

Debbie Eve, Defendant's aunt, was duly sworn and testified on behalf of the Defendant.

Kay Sweger, family friend, was duly sworn and testified on behalf of the Defendant.

Counsel gave their sentencing recommendations to the Court. The Defendant made a brief statement to the Court.

No legal reason was given why sentence should not be imposed at this time for the offense of **COUNT I: ASSAULT WITH A WEAPON, Felony.**

The Court, having heard recommendations by counsel and having reviewed the pre-sentence investigation report, renders its judgment as follows.

IT IS HEREBY ORDERED that the Defendant is sentenced to **ten (10) years to the Montana Department of Corrections, with five (5) years suspended.** The Defendant is given credit for **101 days** for time already served.

IT IS FURTHER ORDERED that the Defendant obtain a mental health evaluation at his own expense and follow all recommendations of the treatment provider.

IT IS FURTHER ORDERED that the Defendant pay restitution of **\$21,386.92 to the victim, Brock White.**

The Defendant waived a formal reading of the conditions of probation. The Court adopted the conditions of probation set forth in the Pre-Sentence Investigation Report and waived PSI condition 13(f). The Defendant is subject to the following conditions:

1. The Defendant be placed under the supervision of the Department of Corrections, subject to all rules and regulations of Adult Probation & Parole.
2. The Defendant must obtain prior approval from his supervising officer before taking up residence in any location. The Defendant shall not change his place of residence without first obtaining written permission from his supervising officer or the officer's designee. The Defendant must make the residence open and available to an officer for a home visit or for

a search upon reasonable suspicion. The Defendant shall not own dangerous or vicious animals and shall not use any device that would hinder an officer from visiting or searching the residence.

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

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

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

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

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

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

officer determines reasonable suspicion exists that the Defendant has violated the conditions of supervision.

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

10. The Defendant is prohibited from using or possessing alcoholic beverages and illegal drugs. The Defendant is required to submit to bodily fluid testing for drugs or alcohol on a random or routine basis and without reasonable suspicion.

11. The Defendant is prohibited from gambling.

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

13. The Defendant shall pay the following fees and/or charges:

- a. The Probation & Parole Officer shall determine the amount of supervision fees (§46-23-1031, MCA) to be paid each month. Payments can be made online at <https://svc.mt.gov/doa/opp/COROffenderPay/cart> or in the form of money order or cashier's check to the Department of Corrections Collection Unit, P.O. Box 201350, Helena, MT 59620. Please include your District Court case number and DOC offender ID#.
- b. Surcharge of \$15 for each misdemeanor (§46-18-236(1)(a), MCA).
- c. Surcharge of the greater of \$20 or 10% of the fine for each felony offense (§46-18-236(1)(b), MCA).
- d. Surcharge for victim and witness advocate programs of \$50 for each misdemeanor or felony charge under Title 45, Crimes, §61-8-401 (DUI), §61-8-406 (DUI-alcohol); or §61-8-411 (DUO-delta-9-tetrahydrocannabinol). [§46-18-236(1)(c), MCA]

- e. \$10.00 for court information technology fee (§3-1-317, MCA).
- f. [waived by the Court at sentencing]
- g. A \$50 fee at the time that the PSI report is completed unless the court determines that the Defendant is not able to pay the fee within a reasonable time per §46-18-111, MCA. The Defendant shall pay online at <https://svc.mt.gov/doa/opp/COROffenderPay/cart> or by submitting a money order or cashier's check to the Department of Corrections Collection Unit, P.O. Box 201350, Helena, MT 59620. Please include your District Court case number and DOC offender ID#. The Defendant did/did not pay the PSI fee.
- h. - The Defendant shall pay court ordered restitution online at <https://svc.mt.gov/doa/opp/COROffenderPay/cart> or by money order or cashier's check sent to the Department of Corrections, Collection Unit, P.O. Box 201350, Helena, MT 59620. Please include your District Court case number and DOC offender ID#. The Defendant shall be assessed a 10% administration fee on all restitution ordered. All of the methods for collection of restitution provided under §46-18-241 through §46-18-249, MCA, shall apply, including garnishment of wages and interception of tax refunds. Pursuant to §46-18-244(6)(b), MCA, the Defendant shall sign a statement allowing any employer to garnish up to 25% of his wages. The Defendant shall continue to make monthly restitution payments until he/she has paid full restitution, even after incarceration or supervision has ended.
- i. The Defendant shall pay a fine(s) over and above any amount credited for pre-conviction incarceration as ordered and directed by the Court (§ 46-18-231, MCA). Recommended net fine to be paid to the Clerk of District Court: \$_____.
- j. The Defendant shall pay costs of legal fees and expenses defined in § 25-10-201, MCA, plus costs of jury service, prosecution, and pretrial, probation, or community service supervision or \$100 per felony or \$50 per misdemeanor, whichever is greater (§ 46-18-232, MCA).

14. If the Defendant is convicted of a crime listed in §46-23-502(13), MCA, he shall register as a violent offender. [§ 46-18-201(7), MCA].

15. The Defendant, convicted of a felony offense, shall submit to DNA testing (§ 44-6-103, MCA).

16. The Defendant shall be given credit against the time served in jail prior to or after conviction (§46-18-403, MCA).

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

18. The Defendant shall surrender to the Court any registry identification card issued under the Medical Marijuana Act (§46-18-202(1)(f), MCA).

19. The Defendant shall not abscond from supervision. Absconding is a non-compliance violation as defined in § 46-23-1001(1), MCA.

20. The Defendant shall obtain a chemical dependency evaluation by a state approved evaluator. The Defendant must pay for the evaluation and follow all of the evaluator's treatment recommendations.

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

22. The Defendant shall not possess or use any electronic device or scanner capable of listening to law enforcement communications.

23. The Defendant shall not enter any bars.

24. The Defendant shall not enter any casinos.

25. The Defendant shall not knowingly associate with probationers, parolees, prison inmates, or persons in the custody of any law enforcement agency without prior approval from

the Probation & Parole Officer. The Defendant shall not associate with persons as ordered by the court or BOPP.

26. The Defendant shall not knowingly have any contact, oral, written, electronic or 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 the victim(s) about the availability of opportunities for facilitated contact with his/her offender without being considered "third parties."

27. The Defendant shall attend self-help meetings at the direction of the Probation & Parole Officer.

28. The Defendant shall comply with all sanctions given as the result of an intervention, on-site (preliminary) or disciplinary hearing.

29. The Defendant shall complete any programming deemed necessary by his supervising officer.

30. The PSI report shall be released by the Department to certain persons, such as treatment providers, mental health providers, and/or medical providers, as needed for the Defendant's rehabilitation.

The reasons for this sentence are:

1. The Court considered the sentencing policies of the State of Montana.
2. The Court considered the serious nature of the crime and harm to the victim.
3. The Court considered the Defendant's mental health issues.
4. The Court considered the Defendant's criminal history.
5. The Defendant is assessed a low risk to reoffend.

An Order of Incarceration was executed in open court.

THE CLERK IS DIRECTED TO CLOSE THE FILE.

ANY BOND IN THIS CASE SHALL BE EXONERATED.

DATED this 28th day of July, 2022.



DAVID J. GRUBICH
DISTRICT COURT JUDGE.

c: CA/Amanda Lofink
DC/Carl Jensen
Defendant, c/o Counsel
CCSO
GFPD
State I.D.
Department of Corrections/Montana State Prison
Adult Probation and Parole