

1 Ingrid A. Rosenquist
2 **Deputy Yellowstone County Attorney**
3 P.O. Box 35025
4 Room 701, Courthouse
5 Billings, MT 59107-5025
6 Telephone 406/256-2870
7 Attorney for Plaintiff

8 **MONTANA THIRTEENTH JUDICIAL DISTRICT COURT, YELLOWSTONE COUNTY**

9	STATE OF MONTANA	Plaintiff,	Cause No. DC 21-129, 21-375, 21-418, 22-
10	vs.		1049
11	VIDAL X. NOTAFRAID,	Defendant.	Judge Brett D. Linneweber
12			STATE'S RESPONSE TO DEFENDANT'S
13			MOTION TO DISQUALIFY FOR CAUSE

14 Comes now the State of Montana, by and through County Attorney, Scott Twito and
15 responds in opposition to Defendant's motion as the State does not believe that Judge Linneweber
16 has exhibited any bias or prejudice toward the Defendant and the fact that he covered a perfunctory
17 hearing related to the Defendant's criminal cases as a prosecutor does not rise to the level to
18 disqualify him as the judge in these matters. The Defendant's Motion to Disqualify is without merit
19 should be denied. Procedurally the State agrees that the matter should be referred to the Montana
20 Supreme Court based on the affidavit filed by Defendant's counsel.

21 **BACKGROUND**

22 The Defendant currently has four pending criminal matters before Judge Linneweber, who
23 took over the Defendant's cases after being appointed District Judge by the Governor of Montana in
24 late 2021. Judge Linneweber was appointed and took over criminal cases in Department 4 of the
25 Montana Thirteenth Judicial District for retiring Judge Gregory R. Todd. Prior to being appointed

1 to the District Court, Judge Linneweber worked for the Yellowstone County Attorney's Office as a
2 prosecutor. Upon taking the bench Judge Linneweber recused himself from cases that he had been
3 assigned as the prosecuting attorney before Department 4 or any other cases that he had substantial
4 involvement as a prosecutor. At the time Judge Linneweber inherited three pending criminal
5 matters pertaining to the Defendant, DC 21-129, DC 21-375, and DC 21-418. Judge Linneweber
6 had never been assigned as a prosecutor on any of these three cases nor made any substantial
7 decisions regarding the direction of these cases. Judge Linneweber later assumed another criminal
8 matter involving the Defendant, DC 22-1049, which alleged criminal conduct while the Defendant
9 was in custody. This was alleged to have occurred in August 2022. Pursuant to Montana
10 Thirteenth Judicial District Local Court Rule 1(c) the Clerk of Court will assign a new criminal case
11 to the department that currently has other criminal cases of a defendant previously assigned to that
12 department.

13 At the time that Judge Linneweber began presiding over the Defendant's cases the status of
14 each case varied. In DC 21-129, the Defendant had been convicted of Felony Theft by a jury in
15 November 2021 and was pending sentencing. Both DC 21-375 and DC 21-418 had held omnibus
16 hearings and were pending trial with trial dates set in early April 2022. In March of 2022 Judge
17 Linneweber held status of counsel or "Finley" hearings ultimately allowing Defendant's counsel at
18 the time to withdrawal leading to current counsel being appointed. In August 2022 the Defendant
19 had charges filed and criminal proceedings start in DC 22-1049. Omnibus on DC 22-1049 was held
20 before Judge Linneweber on October 31, 2022.

21 Current counsel was assigned to all the Defendant's criminal cases and first appeared as
22 counsel before the court on April 4, 2022. Judge Linneweber held a scheduling conference on April
23 6 between the Defendant, the State, and Defendant's current counsel. A new omnibus hearing was
24 set and held for both DC 21-375 and DC 21-418 on May 2, 2022, and trial on both matters was set
25 into August 2022. On July 13, 2022, after negotiations between the Defendant's counsel and the

1 State, a change of plea hearing was held that affected DC 21-129, DC 21-375, and DC 21-418. In a
2 written plea agreement signed by the Defendant the State agreed to amend the charge of Deliberate
3 Homicide in DC 21-418 to Mitigated Deliberate Homicide. The State further agreed to dismiss all
4 charges in DC 21-375 to include two counts of Criminal Endangerment and one count of
5 Obstructing a Peace Officer. Also, as part of the plea agreement the State agreed to recommend a
6 sentence in DC 21-129, the felony Theft that was still pending sentencing after jury trial conviction.

7 At the outset of the change of plea hearing on July 13 Judge Linneweber took it upon himself
8 to address the issue of his previous service as a prosecutor, specifically he was concerned when it
9 had been recently brought to his attention that he had covered a hearing in two of the Defendant's
10 cases. Judge Linneweber realized he had previously represented the State of Montana as a
11 prosecutor during a May 3, 2021, Law and Motion hearing where he represented the State's interest
12 in a Revocation of Release Order Hearing pertaining to Defendant's cases DC 21-375 and DC 21-
13 418. The hearing on both matters was perfunctory and continued by the Defendant's counsel as the
14 counsel at the time had just been appointed. Appointed counsel at the time was Robert Stephens and
15 he had filed a Notice of Appearance on April 27, 2021 and begun his representation of the
16 Defendant just six days before this hearing. *See Attached, State's Exhibit #1, Notice of Appearance.*
17 According to the Clerk of Court minute entries for DC 21-375 and DC 21-418 attached to
18 Defendant's Brief the total time for both hearings lasted approximately 1 minute. The basis for the
19 hearing on May 3 at Law and Motion was an allegation that the Defendant violated his conditions of
20 release related to DC 21-375 and DC 21-418 because he missed a court ordered appearance in DC
21 21-129. *See Attached, State's Exhibit #2 Petition for Revocation of Release Order and Affidavit in*
22 *Support.* There were no other allegations of violations contained in the petition.

23 When Judge Linneweber discussed his representation on this matter at the start of the
24 Defendant's change of plea hearing in July he had not initially recalled his representation as the
25 prosecutor on the matter for the brief hearing. It was not until he was reminded of the fact at the

1 Defendant's previous trial status hearing. Concerned, Judge Linneweber had researched the issue to
2 assure the Defendant that he did not have a conflict and the judge went over the issue in detail on the
3 record explaining how he determined that he did not believe that there was a conflict as he could not
4 recall any facts of the case or anything of substance related to the matter. Judge Linneweber
5 explained to the Defendant and counsel how he would have handled the matter in preparing the
6 entire Law and Motion calendar for May 3, 2021 as the prosecutor. After this was discussed the
7 Defendant and defense counsel desired to proceed with the change of plea hearing.

8 Over one month after the change of plea hearing, the Defendant was charged with new
9 felony offenses for conduct that occurred on August 20, 2022, in DC 22-1049. The charged
10 allegations were that the Defendant was accountable for assaulting a detention officer as well alleged
11 to have been in possession of several deadly weapons while detained at the Yellowstone County
12 Detention Facility. The Defendant appeared for arraignment on these felony charges on August 31,
13 2022, one day after his other matters had been set for sentencing after pleading guilty to the other
14 offense in July. The Defendant had moved to continue his August 30 sentencing date in an August
15 23, 2022 written motion wherein his counsel asked for more time to complete the presentence
16 investigation. Defendant's counsel asked for sentencing to be reset to September 27. *See Attached,*
17 *Unopposed Motion to Continue the Sentencing Hearing, Exhibit 3.*

18 Judge Linneweber then held a scheduling conference on August 30 regarding the status of
19 defense counsel and a possible withdrawal of his pleas in DC 21-375 and DC 21-418. At the
20 conference a status hearing to discuss those matters was set for September 19, 2022. This status
21 hearing was later set for November 2, 2022. On November 2, 2022, Defendant's counsel indicated
22 that they would be filing several motions including a motion to withdrawal the Defendant's plea.
23 The Court held another "Finley" hearing on January 3, 2023, after status of current counsel had
24 been questioned by the Defendant. After it was determined that Defendant's current counsel would
25 remain on the cases including DC 22-1049 Judge Linneweber set dates for hearings on Defendant's

1 proposed motions to include the Defendant's Motion to Disqualify.

2 Defendant's counsel signed an Affidavit for the recusal on January 30, 2023, and his Motion
3 in Support of Recusal was filed on or about February 3, 2023.

4

5 **ARGUMENT**

6

7 Montana Code Annotated §3-1-805 states in part:

8 1. Whenever a party to any proceeding in any court shall file an affidavit alleging
9 facts showing personal bias or prejudice of the presiding judge, such judge shall
10 proceed no further in the cause. If the affidavit is filed against a district judge, the
11 matter shall be referred to the Montana Supreme Court. If the affidavit is in
12 compliance with subsections (a), (b), and (c) below, the Chief Justice shall assign
13 a district judge to hear the matter. If the affidavit is filed against a judge of a
14 municipal court, justice court, or city court, any district judge presiding in the
15 district of the court involved may appoint either a justice of the peace, a municipal
16 judge, or a city court judge, to hear any such proceeding.

17 (a) The affidavit for disqualification must be filed more than thirty (30) days
18 before the date set for hearing or trial.

19 (b) The affidavit shall be accompanied by a certificate of counsel of record that
20 the affidavit has been made in good faith. An affidavit will be deemed not to
21 have been made in good faith if it is based solely on rulings in the case which
22 can be addressed in an appeal from the final judgment.

23 (c) Any affidavit which is not in proper form, and which does not allege facts
24 showing personal bias or prejudice may be set aside as void.

25 Further Rule 2.12 of the Montana Code of Judicial Conduct states in part:

26 (A) A Judge shall disqualify himself or herself in any proceeding in which the judge's
27 impartiality might reasonably be questioned, including but not limited to the following
28 circumstances:

29 (1) The judge has a personal bias or prejudice concerning a party or a party's
30 lawyer, or personal knowledge of facts that are in dispute in the proceeding.
31 (5) The judge: (b) served in a governmental employment, and in such capacity
32 participated personally and substantially as a lawyer or public official concerning
33 the proceeding.

1 The Defendant's counsel has filed an affidavit for disqualification that appears to be made
2 with the express purpose of preventing Judge Linneweber from determining a yet to be filed motion
3 to withdraw his guilty plea. The reason the Defendant uses to disqualify Judge Linneweber is the
4 fact that he was a prosecutor for the county attorney's office and that he had been involved in a Law
5 and Motion hearing day on May 3 where the Defendant had a hearing on the State's Motion to
6 Revoke a Release Order.

8 At the May 3 Law and Motion hearing the Defendant's hearing was continued as Defendant's
9 counsel at the time had just been appointed. According to the Clerk of Court Minute Entry the
10 hearing lasted one minute. The Petition for Revocation of Release Order and Affidavit in Support
11 filed which initiated the hearing was not signed by Judge Linneweber, but Sarah Hyde, one of the
12 assigned prosecutors to the Defendant's case. Further, as explained to the Defendant by Judge
13 Linneweber, before the change of plea on July 13, was that he had been responsible for covering all
14 the cases for the Law and Motion calendar set that day and had minimal knowledge of the case at
15 best.

18 Defendant additionally argued that Judge Linneweber would have had to prepare for the
19 Defendant's hearing on May 3, 2021 and it would be implausible that he would not have personal
20 knowledge of the Defendant's cases. Based on current practice before the Thirteenth Judicial
21 District Court concern revocation of release order hearings it is unlikely that Judge Linneweber
22 would have had to have any in depth knowledge to adequately cover the Defendant's hearing for a
23 scheduled Law and Motion hearing. First, at the time defense counsel had just been assigned. It is
24 common courtesy at Law and Motion that hearings will be continued at the request of counsel who

1 have just been assigned. That is specifically what happened in the Defendant's case according to the
2 minute entries. Second, Law in Motion in Montana's Thirteenth Judicial District Court is governed
3 by Local Court Rule 2. That rule limits Law and Motion calendared hearings to uncontested
4 matters. Law and Motion is generally run four days a week between the eight judicial departments.
5 Law and Motion hearing calendars are long and cannot be clogged with contested hearings.
6 According to Rule 2 contested matters that involve the presentation of evidence should be scheduled
7 by the District Court at a specified time, not Law and Motion.

8
9 The practice for handling revocations of release orders at Law and Motion generally follows
10 a pattern. Initially, a petition for revocation and supporting documentation once filed is first served
11 on a defendant at a Law and Motion hearing and then set for a hearing at an available Law and
12 Motion date before the judicial department responsible for handling the matter. At the initial
13 revocation of release order hearing date, a defendant can admit the allegations, deny the allegations,
14 or ask the court for a continuance.

15
16 If a defendant admits the allegations in a petition, a district court will revoke any previous
17 release order(s) and issue a release order that can include modifications, including modifications of
18 bail. The recommendations of new release conditions made by the prosecutor at a Law and Motion
19 hearing are really made by the prosecutor assigned to the case. If the prosecutor responsible for the
20 Law and Motion calendar on that day is not the prosecutor assigned to the case being revoked the
21 Law and Motion the common practice is that the prosecutor will simply state the recommendations
22 from the assigned prosecutor which have been previously provided. If a defendant denies the
23 allegations contained in the petition the judge will set the matter for a formal revocation later. A
24
25

1 contested hearing will not be held on a Law and Motion calendar day.

2 Under any circumstance in preparing for Defendant's Revocation of Release Order hearing
3 on May 3, Judge Linneweber, as the prosecutor for Law and Motion that day, would only have been
4 required to have known the recommendations to make to the court of the new conditions of release
5 from the assigned prosecutor. In the Defendant's case that was Sarah Hyde and Judge Linneweber
6 would only have had known them if the Defendant had admitted to the allegation on that date. It
7 would not be uncommon for the Law and Motion prosecutor to look up the new recommended
8 conditions in the file only after a defendant admitted the allegations in court. That did not happen
9 as the case was continued because of newly assigned counsel.

10 In this case, it is most likely that Judge Linneweber, again as the prosecutor, observed that
11 Mr. Stephens had just been appointed and knew that the hearing would be continued and that he
12 would not have to do anything other than possibly suggest to the court another date for the hearing.
13 There would be no substantial participation on the part of Judge Linneweber that day as the Law and
14 Motion hearing prosecutor thus he would not run afoul of Rule 2.12 as now the judge. In any
15 situation, Judge Linneweber's preparation of the Defendant's release order revocation hearing for
16 Law and Motion would have been minimal and perfunctory at best.

17 Minimal knowledge of a case as a prosecutor is not sufficient for disqualification as a judge.
18 In *Williams v. Pennsylvania*, 579 U.S. 1, (2016), the case cited by the Defendant, the prosecutor at
19 question was the actual district attorney that made a final decision to seek the death penalty against
20 the defendant and then later became the judge who was deciding years later a petition to overturn the
21 defendant's sentence. In the case the Supreme Court held that there is a risk of bias when a judge

1 had significant, personal involvement as a prosecutor in a defendant's case. *Williams*, 579 U.S. at
2 8. Judge Linneweber, as a prosecutor that covered one brief hearing that was continued, did not
3 significantly participate in the Defendant's cases that would rise to the level of impacting the
4 Defendant's due process rights. Judge Linneweber is not disqualified under the standard set in
5 *Williams*.

6
7 Nothing in Judge Linneweber's handling of the Defendant's cases since the start of 2022 has
8 shown bias or prejudice. The Defendant can point to nothing in Judge Linneweber's actions thus far
9 that exhibit prejudice. Since being assigned to the Defendant's cases the judge has overseen the
10 removal and appointment of new counsel. The judge has set numerous status conferences to keep the
11 Defendant's criminal matters on track, including prioritizing trial dates for the Defendant's cases.
12 Judge Linneweber, no doubt satisfying his ethical obligation under Rule 2.12 took it upon himself to
13 investigate this very matter after it was raised in June 2022 and made sure to address it thoroughly
14 on the record with the Defendant and counsel before proceeding with the change of plea hearing on
15 July 13. Everything that the judge has done in handling the Defendant's cases has shown no bias
16 nor prejudice toward the Defendant.

19
20 **CONCLUSION**

21 The Defendant Motion to Disqualify Judge Linneweber should be denied.

22 RESPECTFULLY SUBMITTED this 17th day of January 2023

23
24
25 /s/ Scott Twito
County Attorney

Cc:

Exhibit 1

Robert L. Stephens, Jr.
Southside Law Center
19 North 25th Street, Suite E
P.O. Box 1438
Billings, MT 59103-1438
(406) 245-6182
(406) 259-9475 – fax
rstephens@southsidelaw.net
Attorney for Defendant

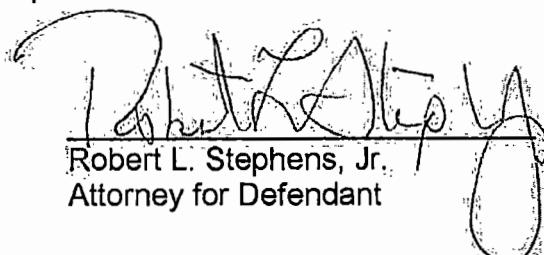
MONTANA THIRTEENTH JUDICIAL DISTRICT COURT, YELLOWSTONE COUNTY

STATE OF MONANA,) Cause No. DC 21-0418
)
 Plaintiff,) Judge Gregory R. Todd
)
 vs.) **NOTICE OF APPEARANCE**
)
 VIDAL NOT AFRAID JR.,)
)
 Defendant,)

COMES NOW Robert L. Stephens, Jr., and hereby gives his Notice of Appearance on behalf of the Defendant, Vidal Not Afraid Jr.

PLEASE TAKE FURTHER NOTICE that Defendant requests that any future pleadings, proceedings, documents or filings include copies provided to Defendant's counsel at the address shown above.

DONE and DATED this 27th day of April 2021.


Robert L. Stephens, Jr.
Attorney for Defendant

CERTIFICATE OF SERVICE

I hereby certify that on the 27 day of April, 2021, a true and correct copy of the foregoing document was served by hand, by U.S. Mail, by email upon the following:

Sarah L. Hyde
Deputy Yellowstone County Attorney
Courthouse, Room 701
P.O. Box 35025
Billings, MT 59107-5025



1 Sarah L. Hyde (21-30590)
2 **Deputy Yellowstone County Attorney**
3 P.O. Box 35025
4 Room 701, Courthouse
5 Billings, Montana 59107-5025
6 Telephone: 406-256-2870
7 Attorney for Plaintiff

8 **MONTANA THIRTEENTH JUDICIAL DISTRICT COURT, YELLOWSTONE COUNTY**

9	STATE OF MONTANA,	Plaintiff,	CAUSE NO. DC 21-0418
10	vs.		JUDGE GREGORY R. TODD
11	VIDAL NOTAFRAID JR.,	Defendant.	PETITION FOR REVOCATION OF RELEASE ORDER AND AFFIDAVIT IN SUPPORT

12
13 COMES NOW, Sarah L. Hyde, Deputy County Attorney for the County of Yellowstone,
14 State of Montana, and respectfully moves this Court, pursuant to §§ 46-9-503, 46-9-505, and 46-9-
15 311, Montana Code Annotated, for an Order which revokes the Defendant's Release Order. This
16 Petition is based on the following:

- 17 1. I am the Deputy County Attorney responsible for the prosecution of this cause.
- 18 2. Defendant has been charged with **DELIBERATE HOMICIDE (FELONY)**.
- 19 3. Defendant was released on a bond of \$500,000.00, which was set in open Court on March
20 30, 2021, with release conditions being that the Defendant shall make all court appearances
21 and obey all laws; shall not leave the State of Montana without receiving written permission
22 from the Court; shall maintain employment, or if unemployed, shall actively seek
23 employment; shall avoid any and all contact with the alleged victim(s) of the crime(s) and
24 their families; shall report on a regular basis to a designated agency or individual, pre-trial
25 services agency or other appropriate individuals; may not possess a firearm, destructive
device or other dangerous weapon; may not use or possess alcohol or any dangerous drug or
other controlled substance without a legal prescription; may not go into places where
alcoholic beverages are sold; shall maintain sufficient contact with his attorney within thirty
(30) days of each trial date to be set in this matter or any other reasonable time period set by
the Court so the attorney can timely advise the Court or its personnel of the status of the case
for trial. A copy of the Court's Release Order is attached.
4. Since the Defendant's release in the above-entitled cause, he has violated the conditions of his
release by failing to make all court appearances. On April 19, 2021, the Defendant failed to
appear in court in DC 21-0129, and there was no good cause for his absence.

5. The State requests that a Warrant be issued for the Defendant's arrest for Violation of the Court's Release Order and that the Defendant be brought before this Court for a Hearing on Revocation of the Release Order.

I declare under penalty of perjury that the foregoing is true and correct.

DATED: April 20, 2021

/s/ Sarah L. Hyde
Deputy County Attorney

cc: Public Defenders

MONTANA THIRTEENTH JUDICIAL DISTRICT COURT,
YELLOWSTONE COUNTY

STATE OF MONTANA,

PLAINTIFF,

CLERK OF THE
DISTRICT COURT

TERRY HAGUE

Court No. DC-21-418

vs.

Vidal Not Afraid, Jr.

DEFENDANT.

2021 MAR 30 JUDGE: J. Feltur (Todd)

FILED

WSC

7 RELEASE ORDER

CCU7

(X) IT IS HEREBY ORDERED that the Defendant be and hereby is admitted to bail in the amount of \$ 500,000.00
() IT IS HEREBY ORDERED that the Defendant be and hereby is released upon his/her own recognizance.

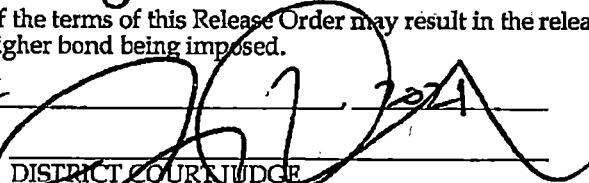
IT IS FURTHER ORDERED that Defendant's release be and hereby is subject to the following conditions:

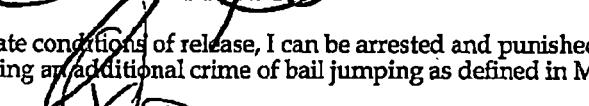
(X) Shall make all court appearances and obey all laws.
(X) Shall not leave the State of Montana without receiving written permission from the Court.
() Shall remain in the custody of _____ who has agreed to supervise the Defendant and report the violation of any condition of release to the Court.
(X) Shall maintain employment, or if unemployed, shall actively seek employment.
(X) Shall abide by restrictions on his/her personal associations, place of abode, and travel, to wit: _____
(X) Shall avoid any and all contact with the alleged victim(s) of the crime(s) and their families.
(X) Shall avoid any and all contact with any witness and their families.
() Shall report on a regular basis to a designated agency or individual, pre-trial services agency, or other appropriate individuals, to wit: _____
() Shall comply with a specified curfew, to wit: _____
(X) May not possess a firearm, destructive device or other dangerous weapon.
(X) May not use or possess alcohol or any dangerous drug or other controlled substance without a legal prescription.
(X) May not go into places where alcoholic beverages are the primary product for sale or where illegal drugs are present.
(X) Within thirty (30) days of each trial date to be set in this matter or any other reasonable time period set by the Court, the Defendant shall maintain sufficient contact with his/her attorney so the attorney can timely advise the Court or its personnel of the status of the case for trial. As that disclosure involves the client's right to confidentiality, the defendant is hereby so advised.
To the extent this limited disclosure is considered an attorney/client confidence, protected by the attorney/client privilege, by signing this Release Order the Defendant waives his/her right to confidentiality with regard to this limited disclosure.

(X) Other conditions: No contact with witnesses or defendant's family members
- GPS through attorney or other sub. j.
or before he leaves facility.

The Defendant is hereby advised that violation of any of the terms of this Release Order may result in the release being revoked and the Defendant being incarcerated pending trial or a bond/higher bond being imposed.

Dated this 30th day of March


DISTRICT COURT JUDGE


Defendant

White: Clerk's Office Green: Defendant Canary: YCDF Pink: PDO Goldenrod: Prosecutor

Rev. 2/2011

I HAVE READ THIS ORDER. I understand that if I violate conditions of release, I can be arrested and punished for contempt of court. If I fail to appear for court hearings, I may be committing an additional crime of bail jumping as defined in M.C.A. § 45-7-308.

Benjamin M. Darrow
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ben@darrowlawmt.com
Attorney for Defendant

Attorney for Defendant

**MONTANA THIRTEENTH JUDICIAL DISTRICT COURT,
YELLOWSTONE COUNTY**

STATE OF MONTANA,
Plaintiff,
-vs-
VIDAL NOTAFRAID, Jr.,
Defendant.

Cause No. DC-56-2021-0000418-IN

Dept. No. 4

**UNOPPOSED MOTION TO CONTINUE
THE SENTENCING HEARING**

COMES NOW the Defendant, Vidal NotAfraid, by and through his attorney of record, Benjamin M. Darrow and moves this Court for an Order Continuing the current Sentencing Hearing set for Tuesday, August 30, 2022 at 1:15 PM and reschedule for Tuesday, September 27, 2022 or a date thereafter convenient for the court.

This request is made because Billings Adult Probation and Parole needs more time to complete the Pre-Sentence Investigation Report.

Yellowstone County Attorneys, Sarah L. Hyde and Scott D. Twito, have been contacted regarding this Motion and DO NOT oppose it. For the Court's convenience, a proposed Order is attached.

DATED this 23rd day of August, 2022.

DARROW LAW PLLC

/s/Benjamin M. Darrow
Benjamin M. Darrow
Attorney for Defendant

CERTIFICATE OF SERVICE

I, Benjamin Moses Darrow, hereby certify that I have served true and accurate copies of the foregoing Motion - Motion to Continue to the following on 08-23-2022:

Sarah L. Hyde (Govt Attorney)
PO Box 35025
Billings MT 59107
Representing: State of Montana
Service Method: eService

Scott D. Twito (Govt Attorney)
PO Box 35025
Billings MT 59107
Representing: State of Montana
Service Method: eService

Electronically Signed By: Benjamin Moses Darrow
Dated: 08-23-2022

CERTIFICATE OF SERVICE

I, Scott D. Twito, hereby certify that I have served true and accurate copies of the foregoing Answer/Brief - Response Brief to the following on 02-21-2023:

Benjamin Moses Darrow (Attorney)
PO Box 7235
Missoula MT 59807
Representing: Vidal Not Afraid, Jr.
Service Method: eService

Electronically signed by Caitlin Miars on behalf of Scott D. Twito
Dated: 02-21-2023