

Hon. Robert L. Deschamps III
Department No. 2
Fourth Judicial District
Missoula County Courthouse
Missoula, MT 59802
(406) 258-4780

MONTANA FOURTH JUDICIAL DISTRICT COURT, MISSOULA COUNTY

STATE OF MONTANA,

Plaintiff,

-VS-

JONATHAN PARTAIN,

Defendant.

Dept. No. 2

Cause No. DC-22-711

JUDGMENT

The above-entitled cause came on regularly before the Court upon the application of Mark M. Handelman, Deputy County Attorney of Missoula County, State of Montana, for leave to file an Amended Information accusing the Defendant of the following crimes:

Count Number	Offense	M.C.A. §
1	Surreptitious Visual Observation Or Recordation (Resident) - 1st Violation	45-5-223(1) [1]
2	Surreptitious Visual Observation Or Recordation (Resident) - 1st Violation	45-5-223(1) [1]

Whereupon leave to file the Amended Information having been granted and the Defendant being informed of all Defendant's legal rights, the Defendant was duly arraigned, answered to Defendant's true name, and the reading of the Information was waived.

The Defendant was represented by attorney Kathleen Foley at all stages of these proceedings.

On October 30, 2023, the Defendant appeared for sentencing upon his guilty plea to the offence of sexual abuse of children, a felony in violation of MCA§45-5-625(1)(b)i(2)(a) of the offense charged.

Pursuant to the Court's authority under MCA §46-16-107(3)(c) to modify or change the finding to a lesser included offense, based upon the evidence in the charging documents, the pre-sentence report, the psychosexual evaluation, the victim impact statements, and in the interest of justice as described in the record, the Court reduced the offense finding to surreptitious visual observation or recordation in violation of MCA§45-5-223.

The Court ORDERED the sentence and judgment as follows:

Count #	M.C.A.	Finding	Total Sentence	Time Suspended	Deferral Date	Confinement Facility	Confinement Comment Consecutive or Concurrent
1	45-5-223(1) [1] - - Surreptitious Visual Observation Or Recordation (Resident) - 1st Violation	Guilty	Two (2) years deferred and a \$500 dollar fine.		10/30/2025	None	
2	45-5-223(1) [1] - - Surreptitious Visual Observation Or Recordation (Resident) - 1st Violation	Dismissed by Court					

The terms and condition of probation are:

1. The Defendant shall be supervised by Misdemeanor Supervision.

2. The Defendant must comply with all municipal, county, state, and federal laws and ordinances and shall conduct himself as a good citizen. The Defendant is required to report any arrest or contact with law enforcement within 72 hours to his supervising probation officer.
3. The Defendant may not consume or possess any alcoholic beverages or illegal drugs and the Defendant may be subjected to random testing at any time by his supervising probation officer.
4. The Defendant may not enter any bars or casinos or any establishment that the main purpose of business is the sale of alcohol.
5. The Defendant shall not have any contact with the victim up to two (2) years unless otherwise voluntarily initiated by the victim and approved by the counselor and/or supervising officer.
6. The Defendant shall continue therapy with a MSOTA Counselor until completion of his treatment program as directed.
7. Family therapy shall be with the victim, the victim's mother, and the Defendant with an established professional family counselor as directed and continue until completion of the Defendant's treatment program and agreed upon by all parties involved.
8. Living arrangements between the Defendant and the victim while the victim is under the age of eighteen (18) must be approved by the counselor and the Defendant's supervising probation officer at a time in the future when it is deemed beneficial to the whole family unit.
9. The Defendant shall attend self-help groups or counseling with a minimum of one (1) time a month for a period of two (2) years.
10. The Defendant shall not have access or possess any material depicting human nudity, pornography, including social media, TV shows or motion pictures that are

1 geared toward sexual offending cycles and the supervising officer will have the
2 right to have access to all electronic devices, and the Defendant's passwords or
3 codes.

4 11. The Defendant shall not under any circumstances be in a position of power and/or
5 authority over children, and the Defendant's supervising officer will be allowed to
6 make unannounced appointments if there are suspicion of this occurring.

7 12. Per the psychosexual eval evaluation, the Defendant is designated a level 1 sex
8 offender.

9
10 The Defendant will have two (2) years to pay the five hundred dollars (\$500) fine.

11
12 The reasons for this Judgment are as follows:

- 13 1. It strikes the Court that this matter was under control until the State of Montana
14 got involved, the Court wants to get this family unit the healing that they need.
15 2. The Defendant agrees to it on the record in open Court.

16 The Defendant was then released on his own recognizance.

17 Any bail posted was exonerated.

18 **NOTICE PURSUANT TO § 46-18-116**

19 If the terms of this written judgment conflict with the sentence or other disposition
20 pronounced orally in Open Court, the Defendant or the State of Montana may request that
21 the Court modify the written judgment to conform to the oral pronouncement. That request
22 must be made within 120 days after filing of the written judgment or the right to request
23 modification is waived. The Court will modify the written judgment to conform to the oral
24 pronouncement at a hearing conducted in the presence of the Defendant unless the right to
25 be present is waived or the Defendant elects to proceed using two-way electronic audio
26

1 video communication as authorized by Section 46-18-116 M.C.A. The right to request
2 modification of this judgment is waived if not exercised within 120 days of filing.

3 Done in open Court the 30th day of October, 2023.

4 **ELECTRONCIALLY SIGNED AND DATED.**

5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26

Electronically Signed By:
Hon. Judge Robert L. Deschamps, III
Mon, Nov 20 2023 01:22:27 PM