

IN THE SUPREME COURT OF THE STATE OF MONTANA

DA 22-0458

STATE OF MONTANA,

Plaintiff and Appellee,

v.

O R D E R

DONALD COLEN BRYANT,

Defendant and Appellant.

Appellant Donald Colen Bryant appeals from the January 24, 2023 Judgment and Sentence of the Nineteenth Judicial District Court, Lincoln County. Bryant argues the District Court should have granted his motion to dismiss Count I, Strangulation of a Partner or Family Member, because Bryant's alleged victim is not a "family member" as defined in § 45-5-206(2)(a), MCA.

The State has filed a Notice of Concession that this matter should be remanded to the District Court for the purpose of dismissing Count I, Strangulation of a Partner or Family Member for insufficient evidence.

Based on Bryant's opening brief and the State's concession, and good cause appearing,

IT IS HEREBY ORDERED that this case is remanded to the Nineteenth Judicial District Court, Lincoln County, with instructions for the District Court to dismiss Count I, Strangulation of a Partner or Family Member, and amending its January 24, 2023 Judgment and Sentence accordingly.

The Clerk is directed to provide copies of this Order to all counsel of record and to presiding judge Honorable Matthew J. Cuffe.