

IN THE SUPREME COURT OF THE STATE OF MONTANA

PR 24-0001

STATE OF MONTANA,

Plaintiff,

vs.

O R D E R

JEREMY GORDON ERTEL,

Defendant.

The Honorable Yvonne Laird, presiding Judge in Cause No. DC-2023-09 in the Seventeenth Judicial District Court, Blaine County, has forwarded to this Court a motion filed by Defendant Jeremy Gordon Ertel via counsel. While noting that the motion was captioned as a motion for recusal, Judge Laird has forwarded the filing to this Court because it is, in substance, a motion for disqualification for cause pursuant to § 3-1-805, MCA. Ertel relies on M. C. Jud. Cond. 2.12 as the authority in support of his motion.

Section 3-1-805, MCA, requires that a motion to disqualify a district judge for cause must be supported by affidavit alleging facts showing personal bias or prejudice of the presiding judge. Sections 3-1-805(a) and (b), MCA, provide the criteria for such affidavit. Under § 3-1-805(c), MCA, any affidavit which is not in proper form may be set aside as void. In this instance, Ertel has failed to file an affidavit that meets the statutory requirements. Thus, his motion is void.

IT IS THEREFORE ORDERED that the motion to disqualify District Judge Yvonne Laird from Blaine County Cause No. DC-2023-09 is DENIED.

The Clerk is directed to provide copies of this Order to the Clerk of the District Court of Blaine County for notification to all counsel of record in Cause No. DC-2023-09, and to the Honorable Yvonne Laird.

Electronically signed by:
Mike McGrath
Chief Justice, Montana Supreme Court
July 12 2024