

- FILED -
July 21, 2025
Cynthia Nestor
07/23/2025
Bowen Greenwood
SANDERS COUNTY DISTRICT COURT
CLERK OF THE DISTRICT COURT
STATE OF MONTANA
By: Lacy Wieckowski
Case Number: DC-45-2025-11-JA
Owen, Molly
23.00

**IN THE DISTRICT COURT OF THE TWENTIETH JUDICIAL DISTRICT
OF THE STATE OF MONTANA
SANDERS COUNTY**

STATE OF MONTANA,

Plaintiff,

Cause No. DC-45-2025-11-JA

Department No. 1

v.

MARK T. FRENCH,
Defendant.

**AFFIDAVIT IN SUPPORT OF MOTION
TO DISQUALIFY DISTRICT COURT JUDGE FOR CAUSE**

I, **Mark T. French**, being first duly sworn under oath, depose and state as follows:

1. I am the Defendant in the above-captioned matter and make this affidavit in support of my Motion to Disqualify Judge Molly Owen for cause under **Montana Code Annotated § 3-1-805**.
2. I make this affidavit in **good faith**, based upon my personal knowledge of the facts and circumstances of this case.
3. Judicial recusal is appropriate where a judge's **impartiality might reasonably be questioned** or where **actual bias or prejudice exists**. I believe both conditions apply in this case.

Personal Bias and Prejudice Alleged

4. After I filed for a **trial de novo** from the Justice Court judgment, the District Court judge, Hon. Molly Owen, reviewed and acted upon materials improperly transferred from Justice Court, including a **judgment that should have been voided** under the rules governing trials de novo from a court of no record.
5. Based on this improper transmission of materials, Judge Owen **demand**ed that I pay Justice Court fines before allowing the case to proceed in District Court—**despite the fact that such fines are void upon filing for a trial de novo**.
6. Although the judge later retracted this improper requirement after I objected, her **initial position and willingness to enforce a void judgment** reflect clear prejudgment and partiality against me.
7. The judge's awareness of and exposure to the Justice Court's **misconduct**—specifically, that the Justice Court judge coerced me in open court to pay fines and fees—

de novo—created a **structural bias** that cannot be cured by retraction or clarification. Judge Molly Owen does not consider the Justice Court's conduct egregious.

8. These are not minor procedural irregularities or inconveniences; they are **egregious errors that have directly prejudiced against my ability to obtain a fair trial**. The conduct at issue rises to a level that a reasonable person would question the judge's impartiality.
9. Furthermore, the District Court has **cited inapplicable statutes—such as MCA § 46-17-311(3)** to justify its acceptance of materials from Justice Court. This indicates a **fundamental misapplication of law**, confusing the role of courts of record and courts of no record.

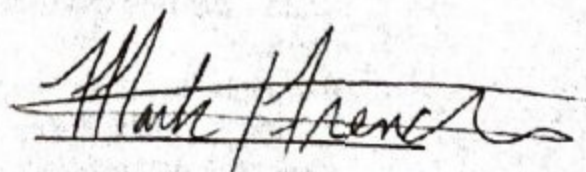
Structural and Perceptual Bias

10. Because **Justice Court is not a court of record**, none of its judgment or proceedings or documents (other than the initial ticket) may be used to influence the outcome of a trial de novo. Yet, the **District Court received and reviewed the judgment and materials anyway**, and this clearly colored the judge's view of me from the start.
11. I have also been treated as though this case were a **civil matter**, not a criminal proceeding—being required to pay a **\$30 filing fee** and **appear in person to file documents**. These actions show the court's fundamental misunderstanding of this case's nature and reinforce my concern that justice is not being properly administered.
12. These facts, taken together, create both the **appearance and the reality of judicial bias**.
13. Continued participation by this judge, under these circumstances, would violate my **right to a fair trial** and undermine public confidence in the integrity of this Court.

Request for Relief

14. I respectfully request that the Honorable Judge Molly Owen be **disqualified for cause** from further participation in this case under **MCA § 3-1-805**, and that a new, impartial judge be assigned.
15. I declare under penalty of perjury under the laws of the State of Montana that the foregoing is true and correct to the best of my knowledge, information, and belief.

DATED this 21st day of July, 2025.



Mark T. French, Affiant

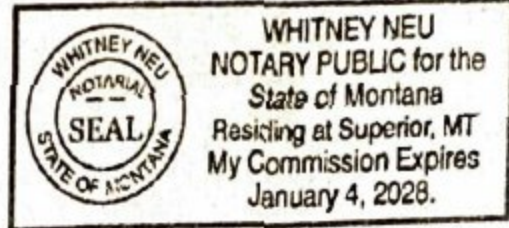
SUBSCRIBED AND SWORN TO

Subscribed and sworn to before me, a Notary Public for the State of Montana, this 21 day of July, 2025, by **Mark T. French**.

Notary Public for the State of Montana

Residing at: Superior

My Commission Expires: 1-4-28



CERTIFICATE OF SERVICE

I hereby certify that a *true and correct* copy of the foregoing **Motion to Dismiss or to Replace the District Court Judge Due to Bias** was sent via email on this 21st day of July, 2025, to the following:

- **Katherine Kuykendall**
Deputy County Attorney
Email: kkuykendall@sanderscounty.gov
- **Clerk of District Court**
Sanders County District Court
Email: sandersdistcourt@mt.gov

Mark T. French