

- FILED -  
August 7, 2025  
Cynthia Nese  
08/12/2025  
CLERK  
Sanders County District Court  
STATE OF MONTANA  
By: Lacy Wieckowski  
DC 45-2025-00071-001A  
Larson, John W.  
39.00

IN THE DISTRICT COURT OF THE 20TH JUDICIAL DISTRICT  
SANDERS COUNTY, STATE OF MONTANA  
BEFORE THE HONORABLE JOHN W. LARSON

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STATE OF MONTANA,  
Plaintiff.

Cause No.: DC-45- 2025 – 11-JA

v.

MARK T. FRENCH,  
Defendant.

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DEFENDANT'S FORMAL MOTION FOR DISQUALIFICATION FOR CAUSE  
OR SUBSTITUTION

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COMES NOW, the Defendant, **Mark T. French**, submits this Motion due to **Montana Code Annotated (MCA) § 3-1-805, MCA § 3-1-804 (8)**, whereby Judge Molly Owen has recused herself as per her Order filed on August 5, 2025.

This motion is made in good faith and is supported by the accompanying affidavit, and based on the following grounds:

**I. GROUNDS FOR OBJECTION AND REQUEST FOR DISQUALIFICATION**

1. Without any consultation with the defendant, Judge John Larson unilaterally advanced the trial date, setting it during the Defendant's pre-planned travel period, with only (9) days' notice, without consulting Defendant or providing sufficient time to respond, object, or request substitution under MCA 3-1-804. Judge Owen's trial date was 9/23/25. Judge Larson's trial date is 8/15/25, 9 days after his August 6<sup>th</sup> order.

2. This date is extremely prejudicial to the defendant since he has paid for a trip outside the state during that time and was preparing for a September trial date. There seems to be no good reason for this hasty and shocking trial date. The rapid movement on this case to

include serving the Defendant at home after business hours the evening the Order Setting Trial was filed (August 6<sup>th</sup>) seems hostile and vexatious toward the defendant, revealing bias.

3. This pattern of behavior by Judge Larson has been shown in the past where the Montana Supreme Court has had to rebuke the Judge. Other attorneys have also complained of unusual decisions by Judge Larson See *missoulian.com*, article by Sam Wilson of May 25, 2025, and *easter progress.com*, of May 30, 2025.

4. The defendant believes this date was set in order to stop any substitution of a judge as per 3-1-804 (8) which states the following:

If the presiding judge in any action recuses himself or herself or if a new judge assumes jurisdiction in any action, the right to move for substitution of a district judge is reinstated. . . . the time periods run anew from the date of service of notice or other document identifying the new district judge.

5. The defendant officially received notice of a new judge and new trial date on August 6<sup>th</sup>, and therefore the Right of Substitution is reinstated.

6. The Court did not give any rationale for setting a trial date approximately 5 weeks earlier. However, the defendant believes there is evidence that this was to avoid the mistaken trial date set by Judge Owen which would have triggered a speedy trial issue.

WHEREFORE, for the above-stated reasons, the Defendant respectfully requests:

Judge Larson be disqualified for cause.

A different judge be assigned pursuant to Montana law.

The trial date be rescheduled in a manner that allows full and fair participation by the Defendant. The Defendant objects to the August 15<sup>th</sup> date for trial. He respectfully requests, due to a new judge, a jury trial.

He will be submitting a Substitution of Judge Motion as well.

Respectfully submitted this 7<sup>th</sup> day of August, 2025.



**Mark T. French**  
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Plains, Montana 59859  
406-360-1284  
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**CERTIFICATE OF SERVICE**

I hereby certify that a true and correct copy of this motion was served via email on this 7<sup>th</sup> day of August, 2025, to the following:

Kate Kuykendall  
Deputy County Attorney  
Sanders County, Montana  
[kkuykendall@sanderscounty.gov](mailto:kkuykendall@sanderscounty.gov)

Clerk of District Court  
Sanders County  
[sandersdistcourt@mt.gov](mailto:sandersdistcourt@mt.gov)