

**IN THE DISTRICT COURT OF THE 20TH JUDICIAL DISTRICT
IN AND FOR THE COUNTY OF SANDERS, STATE OF MONTANA**

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

Judge: The Honorable John W. Larson

STATE OF MONTANA,

Plaintiff,

v.

MARK FRENCH,

Defendant.

MOTION FOR SUBSTITUTION OF DISTRICT COURT JUDGE

COMES NOW, the Defendant, Mark French, pursuant to Montana Code Annotated § 3-1-804, and hereby moves for the substitution of the Honorable Judge John W. Larson in the above-captioned matter.

FACTUAL AND LEGAL GROUNDS FOR SUBSTITUTION:

1. This is a misdemeanor traffic violation, not a felony, and there exists no compelling reason for expediting the trial date.
2. **Upon assumption of the case, Judge John W. Larson rescheduled the trial from its original date of September 23, 2025, to a significantly earlier date, without input or consultation with the Defendant. The new trial date falls within a period the Defendant is scheduled to be out of state (August 12–21, 2025), with airline tickets purchased and reservations prepaid.**
3. This abrupt rescheduling appears arbitrary, unnecessary, and prejudicial. There exists no emergency or procedural necessity justifying such an advancement in the trial date.

4. The Court's action effectively deprives the Defendant of adequate time to prepare and infringes upon previously scheduled personal obligations. This behavior creates the appearance of bias and is inconsistent with the judicial temperament expected of a District Court Judge.
5. Judge Larson has a known history of public controversy and has recently been the subject of rebuke by the Montana Supreme Court. News articles published in the Missoulian on May 25 and May 30, 2025, highlight such concerns and raise further apprehension about judicial impartiality in this matter.
6. Pursuant to MCA § 3-1-804(1), "a party in a civil or criminal action may move for a substitution of district judge." Under subsection (5), the motion is timely if made within 10 days after the party receives notice of the assignment of the judge.
7. It seems 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.
8. The defendant officially received notice of a new judge and new trial date on August 6th, and therefore the Right of Substitution is reinstated.
9. The Defendant respectfully asserts that this Motion is timely and made in good faith.

WHEREFORE, The undersigned hereby moves for substitution of District Judge John W Larson in this case, and that a different judge be assigned to preside over the above-captioned matter.

If prior Disqualification for Cause filed 8/7/25 is granted, please refund the Substitution Motion fee (\$100) to address below.

Respectfully submitted this 8th day of August, 2025.

Mark French

8682 Montana Highway 200

Plains, MT 59859

Phone: (406) 360-1284

Email: french2718@gmail.com

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing Motion for Substitution of Judge was duly served on the following parties via hand delivered on this 8th day of August, 2025:

Sanders County Court House
1111 W. Main
Thompson Falls MT 59873

Kate Kuykendall

Deputy County Attorney

Email: kkuykendall@sanderscounty.gov

Clerk of District Court – Sanders County

Email: sandersdistcourt@mt.gov

Mark T French