

IN THE SUPREME COURT OF THE STATE OF MONTANA

PR 26-0001

STATE OF MONTANA,

Plaintiff,

v.

O R D E R

STEVEN DAVID AVER,

Respondent.

Steven David Aver moves to disqualify the Justice of the Peace Jay C. Sheffield from presiding in Cause No. CR-540-2026-21 in the Justice Court of Lincoln County pursuant to § 3-1-805, MCA.

Aver alleges that he has filed his motion for disqualification in this Court because the Justice Court has refused to accept his filing. However, a motion to disqualify a judge of a justice court is not properly referred to this Court but instead to any district judge presiding in the district of the court involved, pursuant to § 3-1-805(1), MCA.

IT IS THEREFORE ORDERED that Aver's motion to disqualify Hon. Jay C. Sheffield from Cause No. CR-540-2026-21 in the Justice Court of Lincoln County is REFERRED to Hon. Matthew J. Cuffe of the Nineteenth Judicial District Court. Judge Cuffe shall thereafter consider Aver's motion and appoint a qualified justice of the peace or judge, if necessary, for further proceedings.

The Clerk is directed to provide copies of this Order to: the Clerk of the District Court of Lincoln County; the Clerk of the Justice Court of Lincoln County for notification to all counsel of record in Cause No. CR-540-2026-21; Hon. Jay C. Sheffield; Hon. Matthew J. Cuffe; and Steven David Aver personally.