

1 Douglas G. Harkin, District Judge  
2 Department 4  
3 Fourth Judicial District  
4 Missoula County Courthouse  
5 200 West Broadway Street  
6 Missoula, MT 59802-4292  
7 (406) 258-4774

FILED  
DEBBIE HARMON, CLERK

OCT. 21 2010  
*Debbie Harmon*  
DEPUTY

8  
9 MONTANA TWENTY-FIRST JUDICIAL DISTRICT COURT  
RAVALLI COUNTY

10 STATE OF MONTANA,

11 Plaintiff,

12 v.

13 MICHAEL E. SPREADBURY,

14 Defendant.

DOUGLAS G. HARKIN, PRESIDING

Cause No. DC 09-154 / 81

JUDGMENT AND SENTENCE

15  
16 After leave of the District Court was granted, an Information was filed  
17 November 17, 2009, charging the Defendant with Count 1: Intimidation, a Felony. On  
18 February 22, 2010, the District Court granted the State's Motion for Leave to File an  
19 Amended Information adding the alternative charge of Count I: Disorderly Conduct, a  
20 Misdemeanor.

21 The Defendant's arraignment on the Amended Information took place on March 16,  
22 2010. The Defendant appeared with counsel, Nicholas Miller, and pled not guilty to each  
23 of the charges contained within the Information.

24 On October 15, 2010, the Defendant appeared with counsel, Nicholas Miller, for a  
25 change of plea hearing and a Plea Agreement and Acknowledgment of Rights was filed  
26 with the Court. The State was represented by Assistant Attorney General Joel M.  
27 Thompson, acting as Special Deputy Ravalli County Attorney.

1 At that time, pursuant to the Plea Agreement, the Defendant entered a plea of  
2 No Contest to Count 1: Intimidation, a Felony, in violation of Mont. Code Ann.  
3 § 45-5-203 (2009), as set forth in the Amended Information. The Court reviewed the  
4 Affidavit setting forth the facts that constitute the offense. The Court accepted that there  
5 was a sufficient factual basis with which to accept the Defendant's plea. The Defendant  
6 advised that he believed it was in his best interest to proceed with the plea agreement.

7 The Court accepted the Defendant's plea of No Contest, finding that the plea was  
8 made knowingly, intelligently, and voluntarily. The Court, on motion of the parties, and  
9 pursuant to Mont. Code Ann. § 46-18-111(2) found that the Defendant waived his right to a  
10 Pre-Sentence Investigation and the Court ordered that a PSI was not necessary. The Court  
11 was informed that the Defendant has no previous criminal convictions on his record.

12 The parties agreed that the Court could proceed to Sentencing. The Defendant  
13 moved the Court for a waiver of costs of assigned counsel. The Court granted this motion.

14 In sentencing an individual, the Court is required to consider the sentencing policies  
15 promulgated forth by the Montana Legislature, which include punishing a Defendant  
16 commensurate with the degree of harm caused, provide an opportunity for reparation,  
17 restoration and restitution, and rehabilitation of a Defendant. In fashioning this sentence,  
18 the Court will comply with the foregoing criteria.

19 Based on the record in this case and in consideration of the foregoing,

20 **IT IS THE JUDGMENT OF THIS COURT:**

21 For the offense of Intimidation, a Felony, sentencing in this matter shall be  
22 deferred for a period of 1 year, subject to the conditions of probation set forth below.  
23 The Defendant has served 21 days pre-trial.

24 As conditions of probation, the Defendant must comply with the following.

25 1. The Defendant shall be placed under the supervision of the Department of  
26 Corrections.

27

1           2. The Defendant must obtain prior approval from his supervising officer  
2 before taking up residence in any location. The Defendant shall not change his place  
3 of residence without first obtaining written permission from his supervising officer or  
4 the officer's designee. The Defendant must make the residence open and available to  
5 an officer for a home visit or for a search upon reasonable suspicion. The Defendant  
6 will not own dangerous or vicious animals and will not use any device that would  
7 hinder an officer from visiting or searching the residence.

8           3. The Defendant must obtain permission from his supervising officer or the  
9 officer's designee before leaving his assigned district.

10           4. The Defendant must seek and maintain employment or maintain a program  
11 approved by the Board of Pardons and Parole or the supervising officer. Unless  
12 otherwise directed by his supervising officer, the Defendant must inform his employer  
13 and any other person or entity, as determined by the supervising officer, of his status  
14 on probation, parole, or other community supervision.

15           5. Unless otherwise directed, the Defendant must submit written monthly  
16 reports to his supervising officer on forms provided by the probation and parole  
17 bureau. The Defendant must personally contact his supervising officer or designee  
18 when directed by the officer.

19           6. The Defendant is prohibited from using, owning, possessing, transferring, or  
20 controlling any firearm, ammunition (including black powder), weapon, or chemical  
21 agent such as oleoresin capsicum or pepper spray.

22           7. Upon reasonable suspicion that the Defendant has violated the conditions of  
23 supervision, probation and parole officer may search the person, vehicle, and residence  
24 of the Defendant, and the Defendant must submit to such search. A probation and  
25 parole officer may authorize a law enforcement agency to conduct a search, provided  
26 the probation and parole officer determines reasonable suspicion exists that the  
27 Defendant has violated the conditions of supervision.

          8. The Defendant must comply with all municipal, county, state, and federal  
laws and ordinances and shall conduct himself as a good citizen. The Defendant is  
required, within 72 hours, to report any arrest or contact with law enforcement to his  
supervising officer or designee. The Defendant must be cooperative and truthful in all  
communications and dealings with any probation and parole officer and with any law  
enforcement agency.

          9. The Defendant is prohibited from using or possessing illegal drugs. The  
Defendant shall submit to testing upon reasonable suspicion that the Defendant has  
consumed illegal drugs.

1 10. The following fees are statutorily mandated:

2 a. Supervision fees (Mont. Code Ann. § 46-23-1031) of \$21 is to be  
3 paid monthly by the Defendant in the form of money order or cashier's check to the  
4 Department of Corrections Collection Unit, P.O. Box 201350, Helena, MT 59620.

5 b. Surcharge of the greater of \$20 or 10 percent of the fine for each  
6 felony offense.

7 c. A victim/witness surcharge of \$50 required by Mont. Code Ann.  
8 § 46-18-236(1)(c).

9 d. \$10 per count for a court information technology fee (Mont. Code  
10 Ann. § 3-1-317).

11 11. The Defendant shall submit to DNA testing as required by Mont. Code Ann.  
12 § 44-6-103.

13 12. The Defendant shall not knowingly associate with probationers, parolees,  
14 prison inmates, or persons in the custody of the any law enforcement agency without  
15 prior approval from Probation and Parole Officer. The Defendant shall not associate  
16 with persons as ordered by the Court or BOPP.

17 13. The Defendant shall not possess any electronic device or scanner capable of  
18 listening to law enforcement communications.

19 14. The Defendant shall have NO CONTACT with Nansu Roddy by any means,  
20 including through a third person.

21 15. The Defendant shall remove any images, photos, or content depicting or  
22 referring to Nansu Roddy from any website controlled by or contributed to by the  
23 Defendant, including but not limited to: www.bitterrootrising.com and  
24 www.MichaelSpreadbury.com by November 20, 2010.

25 ///

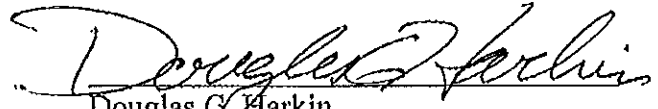
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1 Any bond posted in this matter is hereby exonerated and is to be released to the  
2 Defendant or his posting surety.

3 DATED this 20<sup>th</sup> day of October, 2010.

4   
5 Douglas G. Harkin  
6 DISTRICT COURT JUDGE

7  
8 c: Joel Thompson, Counsel for the State  
9 Nick Miller, Counsel for the Defendant  
10 Adult Probation and Parole  
11 DOC  
12 Ravalli County Attorney's Office  
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MONTANA FOURTH JUDICIAL DISTRICT COURT, MISSOULA COUNTY

Ravalli County  
Cause No. DC-09-154 / 80

Dept. No. 4

October 15, 2010  
Date

STATE OF MONTANA  
Plaintiff/Petitioner.

vs

MICHAEL E SPREADBURY  
Defendant/Respondent.

Hon. Douglas G Harkin

Cathy Rebish  
Court Reporter

Molli Zook  
Deputy Clerk of Court

Thompson  
Counsel

Miller  
Counsel

FILED  
DEBBIE HARMON, CLERK

OCT 19 2010  
*Debbie Harmon*  
DEPUTY

**MINUTES AND NOTE OF RULING**

Special Deputy Ravalli County Attorney Joel Thompson and the Defendant with his counsel Public Defender Nicholas Miller, came into court, this being the time set for hearing on the Defendant's entry of a change of plea.

Thereupon, counsel for the Defendant advised that he has recently filed a Notice of change of venue and a Brief in support. Said counsel advised that the Defendant does not feel that he can receive a fair trial in Ravalli County and has agreed to enter into a plea agreement because of this. A discussion took place amongst the parties with regards to the Defendant voluntarily changing his plea. Upon inquiry by the Court, the Defendant advised that he wishes to change his plea to a "no contest" plea and that he understands this plea means that he is not admitting guilt

IT IS ORDERED, ADJUDGED and DECREED that the imposition of sentence is hereby deferred for a period of one (1) year. The conditions set forth in the parties' Plea Agreement are imposed with the exception of 11E, counsel for the Defendant having moved the Court to waive the \$500.00 cost of counsel fee and the Court having granted the same there being no objection from the State. As to Condition 1 (b) (2) the Defendant shall have until November 20, 2010 to remove the information from the websites that he has control over. The Defendant shall receive credit for time already served in the amount of twenty-one (21) days. The State was directed to prepare the written Judgment for the Court to approve. The Defendant was directed to report to the Adult Probation & Parole office in Hamilton upon receipt of the written Judgment.

cc: Spec Deputy Co Atty-Thompson  
PD-Miller  
Adult Probation & Parole

to the crime but feels that the State has enough evidence to convince a jury to convict. The Court advised that it would allow the Defendant to withdraw his previously entered plea of not guilty and upon inquiry by the Court, the Defendant entered his plea of "No Contest". The Court then advised that it shall review the factual basis for the offense of Intimidation as set forth in the State's Affidavit and Motion for Leave to File Information.

Subsequently, the Court found that there exists a factual basis for this offense. Upon inquiry by the Court, the State advised that it does not have any additional facts that it wishes the Court to consider. Upon inquiry by the Court, the Defendant advised that he felt it was in his best interest to maintain his plea of no contest. Said plea was accepted by the Court. The Court advised that the Plea Agreement provides for the Defendant to be sentenced in the absence of a Pre-Sentence Investigation Report. Upon inquiry by the Court, counsel and the Defendant advised that they are in agreement to proceeding to sentencing today. The Court found that the Defendant waived his right to a Pre-Sentence Investigation Report prior to sentencing and the Court was sufficiently apprised of the circumstances of the crime based on the Affidavit for Leave to File Information and the information provided by counsel today.

Thereafter, the Court having heard and considered the recommendations of counsel and a statement made by the Defendant and no sufficient cause appearing or having been shown to the Court why sentence should not be pronounced against the Defendant, the Court rendered its judgment, advising that it would be following the recommendations contained in the parties' Plea Agreement. That, whereas, the Defendant's plea having been previously accepted by the Court