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FILED
DEBBIE HARMON CLERK

AUG 16 2010
Debbie Harmon
DEPUTY

MONTANA TWENTY-FIRST JUDICIAL DISTRICT COURT, RAVALLI COUNTY

CITY OF HAMILTON,)
STATE OF MONTANA,)
Plaintiff,)
vs.)
MICHAEL E. SPREADBURY,)
Defendant.)

Cause No. DC 2010 - 0026 | 33
Dept. No.1
MOTION TO DISMISS

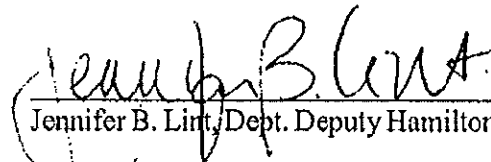
COMES NOW the City of Hamilton and moves this Court to dismiss the charge of Criminal Trespass to Property, a Misdemeanor, in violation of §45-6-203 M.C.A., allegedly committed by the Defendant on or about August 20, 2009, on the premises of the Bitterroot Public Library within the limits of the City of Hamilton.

In light of the Montana Supreme Court's Order of August 10, 2010, upholding an Order of the District Court in Cause No. DV 10-93; the Order of Protection issued to Ms. Nansu Roddy has been confirmed, and the Defendant is restrained from entering the Bitterroot Public Library ("BPL") premises for five (5) years from May 20, 2010. Thus, the goal of both the City and the BPL, to protect the BPL's staff and patrons, has been fulfilled, and neither the City nor the BPL see anything to be accomplished by continuing this prosecution.

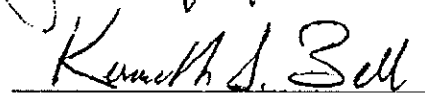
ORIGINAL

At least three (3) attempts were made to contact Defendant's attorney throughout the day on Friday, August 13, 2010, and once again the morning of Monday, August 16, 2010, without success. Having made three (3) Motions to Dismiss of his own, it is hard to imagine that Defendant's attorney would oppose this Motion.

DATED this 16th day of August, 2010.



Jennifer B. Lint, Dept. Deputy Hamilton City Attorney



Kenneth S. Bell, Hamilton City Attorney

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing document was served upon the Defendant by hand-delivery to the Office of the Public Defender, on the 16th day of August, 2010.



John W. Larson
District Judge, Department No. 1
Ravalli County Courthouse
205 Bedford, Suite A
Hamilton, Montana 59840-2853

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MONTANA TWENTY-FIRST JUDICIAL DISTRICT COURT, RAVALLI COUNTY

CITY OF HAMILTON,
STATE OF MONTANA,

Plaintiff,

vs.

MICHAEL E. SPREADBURY,

Defendant.

Cause No. DC 2010 - 0026 /34

Dept. No. 1

ORDER OF DISMISSAL

Upon motion of the Hamilton City Attorney, and good cause appearing, the charge of
CRIMINAL TRESPASS TO PROPERTY, a Misdemeanor, in violation of §45-6-203 M.C.A.,
allegedly committed by the Defendant on or about August 20, 2009, is hereby DISMISSED.

The trial set for August 20, 2010, is hereby vacated

DATED this 16 day of August, 2010.

John W. Larson
JOHN W. LARSON
District Court Judge

DW 8-17-10

CC: Ken Bell, Hamilton City Attorney
Nick Miller, Attorney for Defendant