

CO-DEFENDANT INFORMATION:

PRIOR SUPERVISION:

The defendant was placed on supervision for Burglary in June 1986. He absconded supervision in February, 1988. He was revoked and returned to supervision on 12/1/89. He absconded supervision again in November 1990. On 9/26/91, he was reinstated to probation without a revocation, due to intercession by his probation officer. During his time on supervision from 1986 until his sentence expired in 1996, he was non-compliant at Boyd Andrews; continued drinking; got a DUI; was given another chance at Boyd Andrews, and was non-compliant again; frequented bars; blatantly went to a nightclub to dance and drink just prior to inpatient treatment; was discharged from Boyd Andrews after his stay at Galen, for non-compliance; was ticketed and jailed on traffic offenses, and failed to notify his supervising officer; was revoked and sentenced to a year in jail; failed to attend all mandated AA meetings; continually drove without a license; smoked marijuana; upon a search of his home was found to be in possession of a gun, methamphetamine residue, and drug paraphernalia; lost custody of his children when they were found smoking marijuana in his home; was revoked and charged with CPODD (methamphetamine and marijuana).

After serving time in prison for Criminal Possession of Dangerous Drugs, the defendant began supervision in the Helena probation office on 1/4/99. During this period of time on supervision, he had numerous drinking incidents; failed to notify his supervising officer of changes in work and living circumstances; missed appointments; committed a domestic abuse; engaged in a physical altercation, was evicted from an apartment for smoking marijuana; had several positive urinalysis results for marijuana; was revoked; and was reinstated.

CIRCUMSTANCES OF THE OFFENSE

On 2/12/04, a witness observed the defendant drive off of a roadway and run over a stop sign at Mill Rd. and McHugh. The witness followed the defendant to Court Rd. where the defendant exited the vehicle. This information was provided to the Montana Highway Patrol. MHP Officer responded to that location. The owner of the house on Court Rd. indicated that he had given the defendant a ride home. When the MHP Officer arrived at the defendant's residence, the defendant admitted that he was under the influence of marijuana, and alcohol. A blood test confirmed the presence of marijuana and alcohol. He was charged with DUI, fourth offense; Driving While License is Revoked; and Failure to Remain at the Scene of an Accident Involving Property Damage.

DEFENDANT'S STATEMENT

(Typed Verbatim)

The following is a typed version of a handwritten statement from the Defendant in response to the following questions:

In your own words, what did you do to get arrested on this charge?

DUI, LEAVING THE SCENE OF AN ACCIDENT, DRIVING WITHOUT A LISCENSE.

What reason do you have for your involvement in this offense?

DRINKING THEN DRIVING, DIDN'T HAVE A DRIVERS LISCENSE AND LEFT THE SCENE AFTER HITTING A STOP SIGN.

- Give your recommendation as to what you think the Court should do in your case.

MADE A PLEA BARGAIN WITH DA RE: THIS CASE.

VICTIM'S IMPACT

All of society is at risk when a person chooses to consume alcohol, and operate a motor vehicle.

COMMENTS

HEALTH:

The defendant reports that he has severe back and neck problems. He claims to have eight slipped discs. He also reports rectal dysfunction resulting in severe bleeding. He is not under a doctor's care.

CHEMICAL USE:

The defendant discloses only that he drank Brandy before he was old enough to go to school, and he prefers to drink beer. He has experienced blackouts, marital problems, job losses, legal problems, financial problems, and divorce due to his alcohol use. He admits to smoking marijuana for thirteen years "here and there". That is all the information he has chosen to provide in regards to illegal drug use. Later in his PSI homework, he notes that he has used methamphetamine intravenously.

The defendant has been in chemical dependency treatment at the Salvation Army Treatment Center, Galen State Hospital, and Boyd Andrews.

PSYCHOLOGICAL INFORMATION:

The defendant reports that he was in counseling with R. L. at Cornerstone Counseling at some point in his life. He doesn't report when or why he was in therapy.

SIGNIFICANT FAMILY/MARITAL INFORMATION:

The defendant was born to John and Jane Doe in Helena, MT. He has three brothers whom he never sees. His mother is deceased and he has contact with his father. This is the only information that the defendant has provided in regards to family.

The defendant did not provide this officer with any marital information, but it is known that his alcohol use caused him marital problems, so he must have been married at some point. He has three sons, aged 21, 23 and 25.

EDUCATION:

The defendant completed all but twelve credits of high school. He then earned his GED.

EMPLOYMENT:

The defendant does not provide a past history of employment, however he is currently a cook at the XXXXXXXX. Information that this officer is cognizant of only due to supervising him at one time, is that he worked there in 1999 also, but was terminated for failure to call or show up for work for several days. It is also known that he was terminated from employment at H P in 1999, for arguing with his employer in front of customers.

FINANCIAL PROFILE:

The defendant has chosen to not provide financial information. It is known that he is working fulltime. He claims to own a 1968 Ford pickup, which is worth \$200. He did not report any debts.

MILITARY:

None

OTHER PERTINENT INFORMATION:

It took action on the part of the defendant's attorney to get the defendant to contact this officer in regards to obtaining information for this report. He had not completed his PSI homework, so was asked to do so, and to please answer the questions as completely and in as much detail as possible. His response was that the Department already has a thick file on him. He was informed that this information was needed, and to please provide it. He later turned in the homework incomplete. He later came to the office at this officer's request, and added more information to the homework. There still remained numerous blanks, and lines through most of the requested areas, as though they weren't needed to complete a PSI. As the defendant reportedly works all day, everyday, and has difficulty getting rides to the probation office, this officer is completing this report without necessary information. His sentencing hearing has already been continued once, and his reticence to provide information is evident.

RESTITUTION:

None requested.

PLEA AGREEMENT:

The plea agreement in this case asks that the defendant be sentenced to the Department of Corrections for a period of thirteen (13) months with a recommendation for placement at a residential treatment facility approved by the Department of Corrections, followed by a three (3) year suspended sentence to the Department of Corrections. A six month suspended sentence will be recommended on each of the two misdemeanors, and run concurrently.

EVALUATION/RECOMMENDATION:

Appearing before the Court for sentencing on one count of DUI, a felony, one count of Driving While License is Suspended/Revoked, a misdemeanor, and one count of Failure to Remain at the Scene of Property Damage Accident, a misdemeanor, is John Doe, age 44. The defendant has been involved with the criminal justice system for over twenty years. His drug and alcohol use seem to be at the center of his criminal behavior. Hopefully the WATCH Program could help him to address these issues as well as the faulty thinking that has flourished along with his progressive use of chemicals. The following is therefore this officer's recommendation for sentencing.

It is recommended that for the offense of DUI, a felony, the defendant be sentenced for a period of thirteen months to the Department of Corrections for placement in an inpatient treatment facility approved by the Department. If he successfully completes the treatment, the balance of the thirteen months should be suspended. This sentence should be followed by a three (3) year sentence to the Department of Corrections, all suspended. It is recommended that for the offense of Driving While License is Suspended/ Revoked, he be sentenced to the county jail for a period of six (6) months, concurrent to the felony, with credit for time served, and fined \$300.00. For the offense of Failure to Remain at the Scene of Property Damage Accident, a misdemeanor, it is recommended that he be sentenced to the county jail for six (6)

months concurrent to the other sentences, with credit for time served, and be fined \$ 200.00.

For any time that the defendant is on community supervision, the following conditions are recommended.

1. The defendant be placed under the supervision of the Department of Corrections, subject to all rules and regulations of the Adult Probation & Parole Bureau.
 - a. The defendant will not change his place of residence without first obtaining permission from his Probation/Parole Officer. The residence must be approved by his Probation & Parole Officer. The defendant will make the home open and available for the Probation & Parole Officer to visit as required per policy. The defendant will not own dangerous/vicious animals such as guard dogs, use perimeter security doors, or refuse to open the door of the residence when requested.
 - b. The defendant shall not leave his assigned district without first obtaining written permission from his Probation & Parole Officer.
 - c. The defendant shall seek and maintain employment or a program approved by the BOPP or his Probation & Parole Officer. The defendant must obtain permission from his Probation & Parole Officer prior to any change of employment. The defendant will inform his employer of his status on probation or parole.
 - d. The defendant will personally report to his Probation/Parole Officer as directed. He will submit written monthly reports on forms provided. He will make himself available to his Probation & Parole Officer as requested.
 - e. The defendant will not own, possess, or be in control of any firearms or deadly weapons, including black powder, as defined by state or federal law. The defendant will not possess chemical agents such as O.C. spray.
 - f. The defendant will obtain permission from his Probation & Parole Officer before financing or purchasing a vehicle, property, or engaging in business. The defendant will not go into debt without his Probation & Parole Officer's permission. Restitution, child support, fines, and fees will be the defendant's priority financial obligations.
 - g. Upon reasonable suspicion, as ascertained by the Probation & Parole Officer, the defendant's person, vehicle, and/or residence may be searched at any time, day or night, without a warrant by a Probation & Parole Officer, ISP Officer or a Law Enforcement Officer (at the direction of the Probation & Parole/ISP Officer). The defendant may also be searched at his place of employment. Any illegal property or contraband will be seized and may be destroyed.
 - h. The defendant shall comply with all city, county, state, federal laws, ordinances, and conduct himself as a good citizen. The defendant shall report any arrests or contacts with law enforcement to his Probation & Parole Officer within 72 hours. The defendant will at all times be cooperative and truthful in all his communications and dealings with his Probation & Parole Officer.
 - i. The defendant will not possess or use illegal drugs or any drugs unless prescribed by a

licensed physician. The defendant will not be in control of or under the influence of illegal drugs, nor will he have in his possession any drug paraphernalia.

- j. The defendant shall pay supervision fees pursuant to Section 46-23-1031, M.C.A. If convicted of a drug offense and placed on Intensive Supervision, then he may be ordered to pay \$50 per month as per 45-9-202 (2) (d) (ii).
2. The defendant shall pay a fine of \$1,000.
3. The defendant, if financially able, as a condition of probation, shall pay \$50 per day for the cost of imprisonment and/or alcohol treatment for the length of time the offender is imprisoned or in in-patient alcohol treatment.
4. The defendant shall not possess or consume intoxicants/alcohol, nor will he/she enter any place intoxicants are the chief item of sale. He/she will submit to Breathalyzer testing or bodily fluid testing for drugs or alcohol as requested by his/her supervising officer.
5. The defendant shall not operate a motor vehicle unless authorized by the Probation & Parole Officer. If the Probation & Parole Officer authorizes the Defendant to drive, the Defendant will not drive unless the vehicle is equipped with an ignition interlock system.
6. The defendant will enter and remain in an aftercare treatment program for the entirety of the probationary period. The Defendant will pay for the cost of out-patient alcohol treatment during the term of probation.

Respectfully Submitted,

XXXXXXXXX, Probation/Parole Officer
111 N. Rodney, Helena, MT 59620
(406) 444-XXXX

cc: Judge
County Attorney
Defendant's Attorney
Field File
Annette Carter POII
WATCH