

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27

MONTANA THIRTEENTH JUDICIAL DISTRICT COURT  
YELLOWSTONE COUNTY

IN RE THE OFFICE OF STATE  
PUBLIC DEFENDER,

) CAUSE NO. SB 2021-1  
)  
) JUDGE DONALD L. HARRIS  
)  
)  
) **ORDER TO SHOW CAUSE**  
)  
)  
)  
)

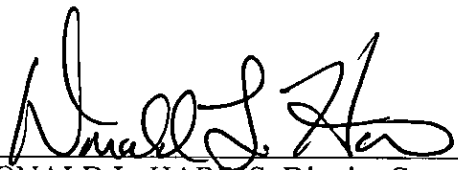
Mont. Code Ann. § 47-1-104(3) requires the appropriate office of the Office of State Public Defender to immediately assign qualified attorneys to represent persons in cases where the court has ordered the assignment of a public defender. This Court has been notified that currently there are at least 663 cases pending in the 13<sup>th</sup> Judicial District for Yellowstone County in which the Office of State Public Defender has failed to immediately assign counsel. Exhibit 1. Attached as Exhibit 2 is a partial listing of the criminal cases pending before this Court in Department No. 2 in which the Office of State Public Defender has failed to immediately assign counsel.

Mont. Code Ann. § 47-1-104 provides that the Office of State Public Defender shall be supervised by a director who is responsible for establishing protocols to ensure that qualified attorneys are immediately assigned to all cases to which the Public Defender's office has been

1 assigned. For months, the Office of State Public Defender has failed to immediately assign  
2 counsel to cases pending in the 13<sup>th</sup> Judicial District to which the Public Defender's office has  
3 been appointed. This failure has caused significant delays in conducting court proceedings and  
4 jeopardizes the administration of justice.  
5

6 IT IS HEREBY ORDERED that Rhonda Lindquist, Director of the State Office of Public  
7 Defender, shall appear before this Court on **Monday, September 13, 2021, at 10:00 a.m.** in  
8 Courtroom TBD of the Yellowstone County Courthouse, to show cause, if any, why she should  
9 not be held in contempt for the State Office of Public Defender's failure to immediately assign  
10 counsel to all cases in the 13<sup>th</sup> Judicial District Court for Yellowstone County to which the public  
11 defender's office has been assigned as ordered by the Court.  
12

13 DATED this 17<sup>th</sup> day of August, 2021.

14   
15 \_\_\_\_\_  
16 DONALD L. HARRIS, District Court Judge  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27

# EXHIBIT 1

**Harris, Donald**

---

**From:** Reintsma, Jim  
**Sent:** Saturday, July 31, 2021 4:42 PM  
**To:** Todd, Gregory; Knisely, Mary Jane; Moses, Michael; Souza, Rodney; Fehr, Jessica; Davies, Colette; Harada, Ashley; Harris, Donald; Carter, David; jmwalker@co.yellowstone.mt.gov; kolars@billingsmt.gov  
**Cc:** Pulver, Marilyn; Critchfield, Darcy; Fiscus, Jenna; Keyes, Mark; Christopher Morris; ezink@co.yellowstone.mt.gov; Scott Pederson; stwito@co.yellowstone.mt.gov  
**Subject:** Conflict Public Defender Update 7/31/21

Good Afternoon,

As a note of courtesy, I wanted to let you know that I will be updating you in a narrower fashion now that the public defender office (Division 1) has a sitting regional manager. I am, however, always at your call should you wish to have dialogue on any particular topic.

As many of you are likely aware from our meeting encounters over the last couple of months, there has been discussion of hiring a full-time employee to interact with our local private attorneys and to assign them cases. It looks like this contract assistant is becoming a reality and, after hire and training, will become responsible for moving OPD cases to contract counsel. My division will maintain responsibility for true conflict cases, as intended. I do not have a firm date on this adjustment to case flow, but I think it fair to say that Marilyn and I are both hoping that this will be our last month of dealing with overflow from division 1 and the enormous amount of our time that it eats up.

On that note, I currently have 663 unassigned cases in my backlog. As we start a new month tomorrow, I'm hoping we can move some of our older and jail clients to FTEs. The local attorney contractors continue to take what cases they can, but we are still very clearly underwater with high intake numbers. I am also missing my assistant this coming week (who is on a very well-deserved vacation) so please bear with me.

We are losing significant chunks of staff and attorney time for AdvoPD training over the next two weeks as we gear up for the release of our new office management system. This program is supposed to go live on August 23 and will replace JustWare and a couple of other tools OPD uses. Although my formal training is not for another week, I am excited about what I've seen of the program and how (once mastered) it promises to streamline our efforts in case-management, timekeeping and communications.

Thank you again for your continued support and patience. Have a nice rest of your weekend.

*James (Jim) Reintsma*

Managing Attorney - Conflict Division, Region C  
Office of the State Public Defender  
207 N. Broadway, Suite CO-20  
Billings, MT 59101  
(406)247-4854

**EXHIBIT 2**  
**13<sup>th</sup> Judicial District Cases – Dept. 2 (Judge Harris)**

Case No.	Case Name
DC 21-770	State v. Alexis LeRae Ricker
DC 21-853	State v. Michael John Elkshoulder
DC 21-936	State v. Michael John Elkshoulder
DC 21-717	State v. Anthony Colt Demontiney
DC 14-1028	State v. Michael Jay Eugene Downing
DC 17-1417	State v. Herman Kenneth Horse
DC 17-1418	State v. Herman Kenneth Horse
DC 19-157	State v. Christian Aaron Monroy
DC 20-436	State v. Mark Vaughn Gallaway
DC 20-1318	State v. Stacey Diane Roberts
DC 21-496	State v. LaShay Shawl
DC 20-1097	State v. LaShay Shawl
DC 13-73	State v. Scott Xavier Williams
DC 13-999	State v. Scott Xavier Williams
DC 16-1143	State v. Preston Tucker Baumann
DC 16-1167	State v. Preston Tucker Baumann
DC 17-169	State v. Preston Tucker Baumann
DC 18-377	State v. Preston Tucker Baumann
DC 20-1468	State v. Preston Tucker Baumann
DC 20-1666	State v. Preston Tucker Baumann
DC 21-1003	State v. Preston Tucker Baumann
DC 18-512	State v. Justin Tylor Gansel
DC 20-295	State v. Sealmer Regis Redstar III
DC 20-685	State v. Sealmer Regis Redstar III

**EXHIBIT 2**  
**13<sup>th</sup> Judicial District Cases – Dept. 2 (Judge Harris)**

DC 15-743	State v. John Douglas Blevins
DC 15-3	State v. Manuel Ignacio Burnett
DC 16-1045	State v. Joshua Owen Johnson
DC 16-867	State v. Marlina Nannett Martinez
DC 17-1071	State v. Joshua James Black Elk
DC 17-1144	State v. Dayton Eugene Prochaska
DC 17-115	State v. Jacob Kade Sisk
DC 17-624	State v. Elise Starr Jefferson
DC 18-330	State v. Chance Taylor Ackerman
DC 19-281	State v. Chance Elihu Saylor
DC 20-518	State v. Chance Elihu Saylor
DC 19-735	State v. Jesse Shay Morgan
DC 20-111	State v. Jacinta Darlene Hewitt
DC 19-517	State v. Jacinta Darlene Hewitt
DC 20-42	State v. Jason Colburn Pierce
DC 20-1325	State v. Kelly Joe Blackburn
DC 20-546	State v. Velma Rose Chase
DC 20-59	State v. Tara Ann Snyder
DC 20-839	State v. Jacob LaRue Powell
DC 20-841	State v. Shannon Rose Russell
DC 20-915	State v. Floyd Bradley Dawley
DC 20-95	State v. Kelly Michele Mikoski
DC 21-1023	State v. Darcy Ann Halvorson

**EXHIBIT 2**  
**13<sup>th</sup> Judicial District Cases – Dept. 2 (Judge Harris)**

DC 20-686	State v. Sealmer Regis Redstar III
DC 20-756	State v. Sealmer Regis Redstar III
DC 20-1236	State v. Sealmer Regis Redstar III
DC 20-801	State v. Sealmer Regis Redstar III
DC 20-1542	State v. Sealmer Regis Redstar III
DC 21-206	State v. Joshua David Sharp
DC 21-255	State v. Charlena Rose Blaine
DC 21-796	State v. Tyson James Betz
DC 21-914	State v. Amanda Ann George
DC 21-1021	State v. Houston Lee Shephard
DC 21-1083	State v. Steven Jamie Whitecloud
DC 19-1525	State v. Mark Dennis Carns
DC 19-172	State v. Alaina Marie Russell
DC 19-692	State v. Eric Thomas Martinez
DC 20-1646	State v. Nathaniel Clifford Burkard
DC 20-1706	State v. Rodeen Ingawanup
DC 20-329	State v. Troy Jacob Lewis
DC 01-168	State v. Gordon Plainbull
DC 10-567	State v. Alianna Tea Hazlett-Olxzewski
DC 13-346	State v. Dawnalee Ellis Peterson
DC 13-627	State v. Donald Lee Joyner, Jr.
DC 14-226	State v. Andrew Paul Green
DC 14-595	State v. Gloria Mae Espinoza
DC 15-125	State v. Denny Lee Rock Above
DC 15-1006	State v. John Douglas Blevins

