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**MONTANA THIRTEENTH JUDICIAL DISTRICT COURT  
YELLOWSTONE COUNTY**

	)	CAUSE NO. SB 2021-1
	)	
IN RE THE OFFICE OF STATE	)	JUDGE DONALD L. HARRIS
PUBLIC DEFENDER,	)	
	)	
	)	<b>ORDER TO SHOW CAUSE</b>
	)	
	)	
	)	

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At the September 13, 2021 Show Cause hearing in this matter the Court found the State Office of Public Defender (OPD) in contempt for its repeated failures to immediately assign public defenders to cases pending in Department No. 2 as mandated by Mont. Code Ann. § 47-1-104(3). The Court ordered the OPD to assign public defenders to Department No. 2 cases within three working days of being ordered to do so. The Court’s verbal order was confirmed in the Court’s September 15<sup>th</sup> Order RE: Contempt and Sanctions.

It appears that the OPD continues to violate Mont. Code Ann. § 47-1-104(3) and has repeatedly violated this Court Court’s order requiring the assignment of counsel within three working days. Attached as Exhibit 1 is a partial listing of Department No. 2 cases in which the OPD has failed to appoint public defenders within three working days of being ordered to do so.

**IT IS HEREBY ORDERED** that Rhonda Lindquist, Director of the State Office of Public Defender, shall appear before this Court on **Monday, December 13, 2021 at 9:00 a.m.** in

1 Courtroom TBD of the Yellowstone County Courthouse, to show cause, if any, why she, as  
2 Director of the State Office of Public Defender, should not be held in contempt for disobeying  
3 this Court's orders to assign public defenders to Department No. 2 cases within three working  
4 days after being ordered to do so. At that time, the Court shall expect Director Lindquist to  
5 inform the Court about the total number of cases, to include both Department No. 2 cases and  
6t cases in other 13<sup>th</sup> Judicial District Court departments, assigned to David Garfield as of  
7 September 13, 2021 and the number of cases currently assigned to Mr. Garfield. The Court also  
8 shall expect Director Lindquist to inform the Court how many cases in the 13<sup>th</sup> Judicial District  
9 Court have yet to be assigned public defenders as of November 15, 2021.  
10

11 DATED this 15<sup>th</sup> day of November, 2021.

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14 \_\_\_\_\_  
DONALD L. HARRIS, District Court Judge

15 **CERTIFICATE OF SERVICE**

16 This is to certify that the foregoing was duly served this  
17 15<sup>th</sup> day of November, 2021, upon Peter Habein,  
18 counsel of record for Rhonda Lindquist, Director of the  
State Office of Public Defender, by both email and  
U.S. regular mail at the address set forth below:

19 Peter Habein ([phabein@crowleyfleck.com](mailto:phabein@crowleyfleck.com))  
20 P O Box 2529  
Billings, MT 59103

21 By:   
22 \_\_\_\_\_  
Judicial Assistant to Honorable Donald L. Harris

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## EXHIBIT 1 - DEPT. 2 CASES

<b>iCause No.</b>	<b>Name</b>	<b>Date of Order Appointing OPD</b>	<b>Date Notice of Appearance (NOA) Filed</b>	<b># of Working Days Between Appt &amp; NOA</b>
DC 21-914	Amanda George	7/14	D.G. stated he was "recently assigned" in court on 9/10	No NOA filed. Still no counsel. 85+
DC 19-157	Christian Monroy	09/27	10/04	4
DC 21-1240	Douglas Humphrey	9/28	10/12	8
DC 21-1197	Robert Scott	9/14	9/23	6
DC 21-1196	Amber Goudreaux	9/14	9/23	6
DC 21-1195	Jordan Arnold	9/14	9/23	6
DC 21-1193	Patricia Buffalo	9/14	9/23	6
DC 21-1150	Mark Gallaway	10/6	10/19	7
DC 21-1046	Dana Bastian	9/10	10/25	29
DC 21-1179	Jacinta Hewitt	9/10	9/23	8
DC 21-1136	Grady Mays	9/9	N/A Still no counsel.	45+
DC 21-837	Roger Killsnight, Jr.	8/18	10/12	35
DC 21-946	Lacie Davis	8/18	11/01	51
DC 21-1031	Bexionel Rodriguez	8/5	9/27	35
DC 21-1038	Steven Whitecloud	8/11	9/14	22
DC 21-515	Justin Johnson	8/17	9/14	17
DC 21-1101	Ryan DiTonno	8/19	9/22	21

TOTAL: 17 Cases

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