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4

5 IN THE DISTRICT COURT OF THE ELEVENTH JUDICIAL DISTRICT OF
THE STATE OF MONTANA, IN AND FOR THE COUNTY OF FLATHEAD

6
7 STATE OF MONTANA,
8 Plaintiff,
9 vs.
10 CORY ROBERT FRANKLIN,
11 Defendant.

) Cause No. DC-13-465 (C)
)
) RESPONSE TO MOTION FOR TO
) COMPEL; AND TO RECUSE DEPUTY
) COUNTY ATTORNEY KENNETH PARK
)
)
)

RECEIVED JUN 11 2014

12 * * * * *

13 Comes now Kenneth R. Park, Deputy Flathead County Attorney, and hereby respectfully
14 submits this Response to the Defendant's Motion to Compel; and to Recuse Deputy County Attorney
15 Kenneth Park.
16

17 **46-15-322, M.C.A. Disclosure by prosecution.** (1) Upon
18 request, the prosecutor shall make available to the defendant for
19 examination and reproduction the following material and information
20 within the prosecutor's possession or control:
21 (a) the names, addresses, and statements of all persons whom the
22 prosecutor may call as witnesses in the case in chief;
23 (b) all written or oral statements of the defendant and of any person
24 who will be tried with the defendant;
25 (c) all written reports or statements of experts who have personally
26 examined the defendant or any evidence in the particular case, together
27 with the results of physical examinations, scientific tests, experiments,
or comparisons;
(d) all papers, documents, photographs, or tangible objects that the
prosecutor may use at trial or that were obtained from or purportedly
belong to the defendant; and
(e) all material or information that tends to mitigate or negate the
defendant's guilt as to the offense charged or that would tend to reduce

the defendant's potential sentence.

(2) At the same time, the prosecutor shall inform the defendant of, and make available to the defendant for examination and reproduction, any written or recorded material or information within the prosecutor's control regarding:

(a) whether there has been any electronic surveillance of any conversations to which the defendant was a party;

(b) whether an investigative subpoena has been executed in connection with the case; and

(c) whether the case has involved an informant and, if so, the informant's identity if the defendant is entitled to know either or both of these facts under Rule 502 of the Montana Rules of Evidence and 46-15-324(3).

(3) The prosecutor may impose reasonable conditions, including an appropriate stipulation concerning chain of custody, to protect physical evidence produced under subsection (1)(d).

(4) The prosecutor's obligation of disclosure extends to material and information in the possession or control of members of the prosecutor's staff and of any other persons who have participated in the investigation or evaluation of the case.

(5) Upon motion showing that the defendant has substantial need in the preparation of the case for additional material or information not otherwise provided for and that the defendant is unable, without undue hardship, to obtain the substantial equivalent by other means, the court, in its discretion, may order any person to make it available to the defendant. The court may, upon the request of any person affected by the order, vacate or modify the order if compliance would be unreasonable or oppressive. The prosecutor may not be required to prepare or disclose summaries of witnesses' testimony.

(6) The prosecutor shall furnish to the defendant no later than 5 days before trial or at a later time as the court may for good cause permit, together with their statements, a list of the names and addresses of all persons whom the prosecutor intends to call as rebuttal witnesses to evidence of good character or the defenses of alibi, compulsion, entrapment, justifiable use of force, or mistaken identity or the defense that the defendant did not have a particular state of mind that is an element of the offense charged.

The State has sent, or made available, discovery to counsel for the Defendant in this case as required by the above statute, and as ordered by the Court. Counsel for the Defendant sent Deputy County Attorney Kenneth Park a letter, signed by Timothy Baldwin on May 2, 2014, that requested information and certain discovery. This request was immediately sent to the case agents at the

1 Northwest Drug Task Force. The legally allowable discovery was provided to the Flathead County
2 Attorney's Office after it was deemed to be disclosable under the statute during the week of May 18,
3 2014. Deputy County Attorney Kenneth Park returned from training and immediately disseminated
4 the discovery to Tim Baldwin by hand once it was copied and distributed to the files of all of the co-
5 conspirators. The requests will be addressed in the order of the Motion to Compel.

- 6 1. A copy of the application for search warrant. *This was hand delivered to Tim Baldwin*
7 *on May 28, 2014.*
- 8 2. A copy of all statements made by the defendant in this case. *This information has*
9 *been provided in the form of reports and recordings provided to defense counsel*
10 *throughout the case.*
- 11 3. All evidence the State intends to use against the Defendant as prior bad acts in its
12 case in chief. *All of the prior bad acts of the Defendant have been provided to*
13 *counsel for the defendant. Pursuant to the ruling in State v. 18th Judicial District,*
14 *2010 MT 263, the State is not required to give a "Just/Matt" Notice. The State will*
15 *provide all discovery to the Defendant as required by the rules and the law as set out*
16 *in State v. 18th Judicial District. The State intends to apprise the Defendant fully,*
17 *fairly, and accurately of all evidence which it may offer at trial in its case-in-chief*
18 *pursuant to the Court's ruling in that case.*
- 19 4. A copy of all interviews and statements of all witnesses and arrestees in this case.
20 *This information has been provided in the form of reports and recordings provided to*
21 *defense counsel throughout the case.*
- 22 5. A copy of all recorded surveillance related to this case. *The State is not aware of any*
23 *recorded surveillance related to this case that has not been provided to counsel for the*
24 *Defendant.*
- 25 6. A copy of all of Alan Ray Harnett's crimes of dishonesty. *The State has reviewed the*
26 *criminal history of Alan Ray Harnett and found no convictions for forgery, bribery,*
27 *suppression of evidence, false pretenses, cheating, or embezzlement.*

- 1 7. A copy of Cory Franklin's criminal record. *The Administrative Rules of NCIC do not*
2 *allow for disclosure of the NCIC record of a Defendant without the specific authorization*
3 *of the Court or the subject of the disclosure. Mr. Baldwin was advised on May 28, 2014 if*
4 *he brings a signed authorization allowing for disclosure from the Defendant the NCIC*
5 *record will be released. Counsel for the Defendant also has access to the Defendant who*
6 *has knowledge of his criminal record.*
- 7 8. A copy of all photographs taken in this case. *The State is unaware of any*
8 *photographs that have not been provided to counsel for the Defendant in this case. They*
9 *have all been disclosed.*
- 10 9. A copy of, or an opportunity to inspect, any tangible evidence, including notes,
11 records, or documents in whatever format relative to the statement that Agent Stahlberg
12 received information from a confidential source of information. *Agent Stahlberg received*
13 *the information from a confidential source of information. He then transferred the*
14 *information by word of mouth. This was recorded in the report disclosed to counsel for*
15 *the Defendant. There is no other tangible evidence regarding this statement known to the*
16 *State.*
- 17 10. A copy of any written agreements or a copy of the terms of any oral agreements the
18 State has made with any of the witnesses in this case to provide information or testify for
19 the State. *In this case the State has not entered into any written or oral agreements with*
20 *any witnesses regarding this case, except Jessica Kime, who has agreed to tell the truth*
21 *and testify at this trial if needed. Jessica Kime negotiated to keep her case in District*
22 *Court rather than Federal Court in exchange for honest testimony and information. Ms.*
23 *Kime pleaded guilty to her charges. A copy of her agreement can will be sent with an*
24 *order from the Court that it cannot be disseminated, for the protection of Ms. Kime.*
- 25 11. A copy of all officers notes and memorandums in this case. *The case agent, Ryan*
26 *Zebro, has advised the State that there are no further notes or memorandums in this case*
27 *that have not been provided to counsel for the Defendant.*

1 12. A copy of the warrant that Agent Capser used to arrest Cory Franklin in this case.
2 *Agent Capser did not arrest the Defendant in this case. Officer Venezia arrested the*
3 *Defendant, as stated in the report, for a misdemeanor warrant for Kalispell Municipal*
4 *Court. The State is not in possession of this warrant. It can be obtained by counsel for the*
5 *Defendant at Kalispell Municipal Court. The State does not consider a copy of the arrest*
6 *warrant to be a vital piece of evidence to be utilized at trial, and has had no need to*
7 *obtain a copy. Additionally, the defendant should have been provided a copy of the*
8 *warrant when he was arrested.*

9 13. All of the officer's names not already provided in the officer's report who were
10 present at the scene of Cory Franklin's arrest. *The State is unaware of any additional*
11 *officers at the scene that were not mentioned in the report.*

12 14. All of the witnesses names and contact information not already provided in the
13 officer's reports. *The State will provide a Witness and Exhibit list to the Court and*
14 *counsel for the defendant as required by the above Statute and rules of the Court.*

15 As shown above, the State has provided all of the discovery requested that is required to be
16 provided. Now, counsel for the Defendant has decided to elect to go to trial, and to conduct an *ad*
17 *hominem* attack on the prosecution, which appears to be an ongoing trend at this law firm as
18 reflected in past motions.

19 The State would give notice to the Court that Mr. Baldwin has received everything required
20 by Statute and ordered by the Court to be delivered to his office.

21 A. THE COUNTY ATTORNEY'S OFFICE DID NOT WILLFULLY VIOLATE ANY
22 DISCOVERY OBLIGATIONS.

23 Mr. Baldwin has requested sanctions of Deputy County Attorney Kenneth Park, and/or for the
24 Court to hold an in-camera review of the State's file to see if the State has complied with discovery. The
25 first written correspondence from Mr. Baldwin requesting the specific discovery was on May 2, 2014. It
26 was all provided to the State within two and a half weeks, and then immediately copied for all co-
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1 defendants, and delivered to Mr. Baldwin six weeks before the scheduled trial date, which has now been
2 continued until November. This request for sanctions is premature, and the State has been sanctioned by
3 the Court granting an unwanted continuance. The answers provided above indicate the State has
4 complied with all lawful discovery as required. There is no need for an in camera review, or for
5 sanctions. Section 46-15-322, MCA, sets forth the State's obligations with regard to the disclosure of
6 evidence and information. Trial courts possess discretion to impose sanctions if a party commits a
7 discovery violation. *State v. Golder*, 2000 MT 239, ¶ 11, 301 Mont. 368, ¶ 11, 9 P.3d 635, ¶ 11. Section
8 46-15-329, MCA, provides courts with discretion to impose any sanction that the court finds just under
9 the circumstances. The statute includes a non-exhaustive list of sanctions, including the authority to
10 order the disclosure of the evidence, **grant a continuance**, hold a party in contempt for an intentional
11 discovery violation, preclude the evidence, or to declare a mistrial. *Golder*, ¶ 7.

12 The decision regarding whether or not to impose sanctions for discovery violations rests with the
13 discretion of the trial court. *Golder*, ¶ 11. Courts possess this discretion to allow them to consider the
14 reason for non-disclosure, whether the non-disclosure was willful, the amount of prejudice to the
15 opposing party, and any other relevant circumstances. *Golder*, ¶ 11. In *Golder*, for example, the Court
16 noted that a district court order for disclosure of the requested materials constituted an appropriate
17 sanction in light of the non-willful nature of the violation and the lack of prejudice to the defendant.
18 *Golder*, ¶¶ 11-12. The Court noted that trial courts should reserve severe sanctions for those instances
19 where a discovery violation truly surprises a party.

20 Any failure on the part of the State to comply with the rules of discovery in this matter was
21 unintentional, if it is deemed by the Court to have done so. This Court should deny Franklin's motion
22 for sanctions given the non-willful nature of any alleged violation and the lack of prejudice to Franklin.
23 *Golder*, ¶¶ 11-12.

24 In the present case the State produced the discovery as soon as it was received, and the Court
25 sanctioned the State in allowing a continuance of this case until the trial term in November of 2014.
26 There is ample time for the Defendant and his counsel to review the evidence they now have in their
27 possession.

1 Therefore, the State would respectfully request this honorable Court find that the discovery
2 requests requested have been complied with, and will continue to be complied with as it becomes
3 available, according to the requirements of 46-15-322, M.C.A. The request for sanctions is
4 unnecessary and premature, as the State has been sanctioned by an unwanted continuance. The
5 proper remedy for discovery violations, of which there are none in this case, is the exclusion of the
6 evidence at trial, not a request for sanctions.

7 The final request of this motion is to request that Deputy County Attorney Kenneth Park be
8 recused from the case. This was initially based on the allegation that Deputy County Attorney Park
9 willfully violated discovery obligations, personally. When a written request is received by the
10 defendant for discovery, it is immediately passed to the case agent in charge of the case. Mr. Baldwin
11 requested fourteen (14) items. The request was received in writing on May 2, 2014 and passed to
12 Agent Zebro. The discovery arrived at the Flathead County Attorney's Office in the week of May 19-
13 23, 2014. Deputy County Attorney Park was in training that week. The following Monday was a
14 holiday. On Tuesday May 27, 2014 Deputy County Attorney Park located the file of discovery
15 requests on his desk. It was given to an assistant with instructions to copy everything in the file and
16 disseminate it to all of the co-defendant's attorneys in this case. The packet was then hand delivered
17 to Mr. Baldwin the following morning outside the courtroom, because Deputy County Attorney Park
18 knew Mr. Baldwin would receive it faster than through mail service. Deputy County Park has not
19 willfully withheld any evidence from the Defendant.

20 B. DEPUTY COUNTY ATTORNEY PARK HAS NOT VIOLATED PLEA OFFER
21 ETHICS.

22 Second, Mr. Baldwin alleges that Deputy County Attorney Park has violated plea offer ethics.
23 The State is unable to find any authority for this alleged obligation in Montana Law. A plea offer is
24 simply a contract entered into by the State. The State is under no obligation to enter this contract, or
25 to make a plea offer. "**Essential elements of a contract.** It is essential to the existence of a contract
26 that there be: (1) identifiable parties capable of contracting; (2) their consent; (3) a lawful object; and
27 (4) a sufficient cause or consideration." 26-2-102, M.C.A. In this case The Defendant claims he was
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1 threatened into a plea offer. The State made a very specific offer to the Defendant, the Defendant
2 refused the offer. Therefore the offer is void. The State intends to proceed to trial on the merits of the
3 case. The State has made no promises of the sentence the Court can impose, and the State has made
4 no other promises except the detailed promises included in the plea offer to counsel for the
5 Defendant. (*Attached to his motion*). Counsel for the Defendant takes exception that Deputy County
6 Attorney Park would aid the federal government in the prosecution of the defendant. It is common
7 knowledge, since the filing of a persistent felony offender notice, that the Defendant is a convicted
8 felon. The reports given to counsel for the Defendant indicate agents found a gun in his truck, and
9 several other guns in his vehicle in another case. Being a retired police officer, and Task Force Agent
10 for the Bureau of Alcohol, Tobacco, Firearms, and Explosives (ATF), The Federal Bureau of
11 Investigation (FBI), and the Drug Enforcement Administration (DEA), Deputy County Attorney Park
12 knows that Mr. Franklin can be prosecuted federally for possessing the firearms, and has discussed
13 that possibility with federal agents. There are no false statements in the plea offer. The State is not
14 under any obligation to make a plea offer, but one was given in this case. The cooperation of the
15 Defendant's wife, Kristina Franklin, as an informant for the Northwest Drug Task Force, and the
16 cooperation of the Defendant, was taken into consideration in making this offer, which was quite
17 generous considering the record of the Defendant and the evidence against him. Additionally, Deputy
18 County Attorney Park contacted Agent Troy Capser of the Department of Homeland Security (DHS)
19 before making this offer. Agent Capser contacted the Assistant United States Attorney (AUSA)
20 dealing with the case. The AUSA advised Agent Capser that if Cory Franklin took the plea offer in
21 this case on a State level, they would not seek federal prosecution. If he did not, they may seek
22 federal prosecution. At no time has Deputy County Attorney Park, Agent McKeag Johns (Kristina
23 Franklin's controlling agent), or any member of the Northwest Drug Task Force promised Kristina
24 Franklin that charges would be dismissed against her husband in either case in exchange for her
25 cooperation.

26 On May 28, 2014 Mr. Baldwin filed an Affidavit of Kristina Franklin in Support of Motion
27 to Compel; for Sanctions and to Recuse Deputy County Attorney Kenneth R. Park that was full of
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1 false statements and baseless allegations. To further the State's position, the State is aware Mr.
2 Baldwin has been in possession of this affidavit since April of 2014, but advised Kristina Franklin he
3 did not want to file it because it would look like he was attacking Deputy County Attorney Park. The
4 first false allegation is that Agent Johns said he would help Kristina Franklin and her husband in
5 their cases. Agent Johns never agreed to do this except that he held the charges Kristina Franklin was
6 facing until after she ceased being an informant. The second false statement of Kristina Franklin
7 stated Deputy County Attorney Park arranged a meeting where the Defendant and Jaimz Doran were
8 interviewed. The County Attorney's Office had nothing to do with those interviews. The evidence in
9 that case, DC-14-128(A) is significant against the Defendant, no matter what was stated in the
10 interviews of Jaimz Doran and Cory Franklin. Co-defendants do not get to choose "who is going to
11 take the fall" in illegal drug cases. The State prosecutes cases based on the merits of the case.

12 In April 17, 2014 Deputy County Attorney Park received a call from Daryl Crow, Kristina
13 Franklin's step-father. He advised Deputy County Attorney Park that Kristina Franklin told him the
14 Defendant was going to be released from jail. They were concerned because of Cory Franklin's
15 extensive involvement with illegal drugs and firearms, and Kristina Franklin and her children were
16 living with Mr. Crow and his wife. Mr. Crow did not want Cory Franklin released. Mr. Crow was
17 assured that the State intended to contest the release of Cory Franklin, and the State had not agreed to
18 release him under any circumstances. At this time the State was aware of an impending Report of
19 Violation with the Montana Department of Probation & Parole that was being completed by
20 Probation Officer Paul Parrish.

21 Approximately one week later Kristina Franklin called Deputy County Attorney Kenneth
22 Park. She was immediately advised that the State was aware of her cooperation, and that the State
23 could not discuss the details of her husband's case with her, but had the information that she was
24 working as an informant to not have herself charged in this matter. She advised Deputy County
25 Attorney Park she was working for her husband too. Deputy County Attorney Park advised her that
26 the State would oppose any release of Cory Franklin in either case, but would speak to the federal
27 agent and the AUSA to determine if Federal charges could be diverted to the State if Mr. Franklin

1 pleaded guilty in the State system. Mrs. Franklin advised Deputy County Attorney Park that Mr.
2 Baldwin was representing Mr. Franklin at this time. Deputy County Attorney Park advised her that
3 he had not had a good experience with Mr. Baldwin in their last trial together, but he would make an
4 offer to Mr. Baldwin that would take her work as an informant, and the information provided to
5 agents by Cory Franklin, into consideration on those charges. Deputy County Attorney Park advised
6 Mrs. Franklin that there were no set of circumstances that would make the State not oppose the
7 release of Cory Franklin. She was advised that in the State's opinion, Cory Franklin had a drug
8 problem that needed to be addressed through treatment, and that would be included in the plea offer
9 to Mr. Baldwin, but the release of the Defendant would be counterproductive to his recovery from
10 drugs, as indicated by his two arrests while on probation for other felony charges. Kristina Franklin
11 specifically asked Deputy County Attorney Park on two occasions during the call, if he was
12 suggesting that she and Cory Franklin obtain new counsel. On both occasions Deputy County
13 Attorney Park said "No" and advised her that he was not allowed to make that suggestion. Deputy
14 County Attorney Park did advise her that he was going to make one offer for Mr. Franklin's cases,
15 and that he would not engage in extended negotiations with Mr. Baldwin because that had not fared
16 well in past cases. Kristina Franklin was never advised by Deputy County Attorney Kenneth Park or
17 Agent McKeag Johns that any case would be dismissed by the State in exchange for her cooperation.
18 This was the extent of the telephone conversation. Any remaining information in the affidavit is
19 false. In fact, on March 24, 2014 Kristina Franklin initialed and signed a Confidential Informant
20 Questionnaire that stated "In agreeing to work with the NWDTF, I understand that no NWDTF agent
21 may make any direct or indirect promises or predictions regarding the likely disposition of any
22 criminal proceedings that may be pending against me." (See attached Confidential Informant
23 Questionnaire signed by Kristina Franklin on March 24, 2014).

24 The telephone call was terminated at this time. Kristina Franklin attempted to call again and
25 the calls were refused by Deputy County Attorney Park. Additional calls by Mr. Crow have not been
26 returned. Deputy County Attorney Park did exactly as he said he would to Mrs. Franklin. He
27 arranged to leave Cory Franklin's case in District Court if he pleaded guilty through Agent Capser.

1 On April 30, 2014 Deputy County Attorney Park sent an offer to Mr. Baldwin relaying the State's
2 position on the matters against Mr. Franklin, including drug treatment. (*See email attached to*
3 *Defendant's motion, twice*). On May 2, 2014, Mr. Franklin declined the State's offer, and submitted
4 the above listed fourteen requests for additional discovery in the same letter. The legal requests have
5 been fulfilled, and the State is prepared to proceed to trial in both cases, and to hearing on the Report
6 of Violation against Mr. Franklin at this time.

7 The false allegations filed by Kristina Franklin have resulted in the tainting of the two cases
8 she has produced for the NWDTF. The AUSA and the Deputy County Attorney in those cases have
9 been notified of the affidavit filed by Mrs. Franklin, and the false allegations therein, and are
10 submitting this information to opposing counsel in those cases as exculpatory evidence. She was
11 terminated as a confidential informant on May 28, 2014. Mr. Baldwin never contacted the Office of
12 the County Attorney to investigate the allegations in the affidavit prior to filing the same. Had he
13 requested an answer to the allegations, he would have been provided with Kristina Franklin's
14 cooperation agreement, and the report consisting of drug and firearm allegations against Kristina
15 Franklin. He has never requested this information even though it is specifically mentioned in the
16 reports he has in his possession. The State has done nothing that would promote the Court recusing
17 Deputy County Attorney Park from prosecuting these cases against Cory Franklin.

18 In an attempt to subvert any further miscommunication with the office of Tim Baldwin, the
19 State has requested that all of his correspondence with this office be conducted in writing only, so
20 the requests can be placed in the proper files and addressed in a timely fashion, rather than being lost
21 in an electronic transaction due to the voluminous nature of the requests of Mr. Baldwin, and the fact
22 there are now three cases involving Mr. Franklin. This should avoid any further confusion in these
23 matters.

24 C. THE DEPUTY COUNTY ATTORNEY HAS NOT TAINTED THE QUALITY OF
25 JUSTICE IN THIS CASE.

26 Mr. Baldwin further attacks the prosecution in this matter by alleging since the prosecutor
27 sent him a binding plea offer in this case, he has somehow "tainted the quality of justice in this case."
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1 He says the sending of a plea offer is a threat. As stated above, a plea offer is simply a contract that
2 the State is NOT required to enter into. The State relayed an offer, and it was declined. Under Mr.
3 Baldwin's allegation, all plea offers would be considered threats. This should be disregarded as
4 lacking any foundation whatsoever.

5 D. THE DEPUTY COUNTY ATTORNEY MADE NO MISREPRESENTATIONS TO
6 THE COURT.

7 In this section of the brief, Mr. Baldwin is arguing the other Motion to Reset the Omnibus
8 Hearing, and taking exception that the State opposed this Motion. There are no allegations listed that
9 specifically state that Deputy County Attorney Park made any misrepresentations to the Court. In
10 fact, he appears to take exception that it was mentioned the previous motion was filed out of time,
11 past the omnibus hearing, that he filed illegal requests for information, and that his motions are
12 referred to as baseless, in the previous motion. This matter has already been heard, and ruled upon.
13 There is no need to further rule upon the Motion to Reset the Omnibus Hearing, and there is no
14 misrepresentation to the Court in either response by the State. This has the appearance of an attempt
15 to argue one motion inside another. It is unfounded, and should be disregarded.

16 CONCLUSION

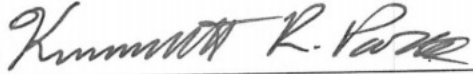
17 All of the legally requested discovery has been provided to the Defendant, with further
18 discovery involving possible charges to Kristina Franklin to be sent as soon as the final reports are
19 completed in that matter, which, interestingly enough, has not been requested by the Defendant or his
20 counsel. There is no reason to sanction the State any further than the continuance that the Court has
21 allowed. The reasons stated for the recusal of Deputy County Attorney Park are unfounded, false, or
22 baseless, as are any other sanctions requested. There is no reason to ask for the recusal of a Deputy
23 County Attorney in any case that does not involve a conflict of interest. In this case there is none.
24 Prosecution of criminals involved in the sale and possession of illegal drugs and firearms is the
25 within the profession and discretion of the prosecution. The State would rely on the facts of the case
26 and the allegations against Mr. Franklin for the remainder of this case, and expects the same from
27 counsel for the Defendant. The State has three open cases involving the Defendant in this matter. If

1 there were a matter for recusal, counsel for the Defendant should have motioned for this in all three
2 cases. Instead he has chosen to only make this motion in this case. For the above stated reasons, the
3 Court should DENY the Defendant's motion.

4 No hearing on this matter is necessary.

5 Respectfully submitted this 6 day of June, 2014.

6 OFFICE OF THE COUNTY ATTORNEY
7 Flathead County, Montana

8 By 
9 Kenneth R. Park, Deputy

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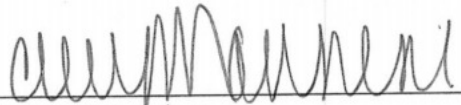
CERTIFICATE OF SERVICE

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The undersigned, Christy Manning, Assistant to the Office of the Flathead County Attorney, does hereby certify that on the 6 day of June, 2014, a copy of the foregoing document was provided to the following named individual(s) in the manner indicated below:

Tim Baldwin
PO Box 1520
Kalispell, MT 59903

xx U.S. mail, first class postage prepaid.
Public Defender folder, Flathead County Attorneys
Office.
Hand delivery.
Personal service.
By fax, to fax #



Christy Manning