

1 John S. Henson, District Judge  
2 Department No. 2  
3 Fourth Judicial District  
4 Missoula County Courthouse  
5 Missoula, MT 59802  
6 (406) 523-4772

MAY 22 2000

BY \_\_\_\_\_

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MAY 24 2000

8 MONTANA FOURTH JUDICIAL DISTRICT COURT, MISSOULA COUNTY

9 STATE OF MONTANA, )  
10 Plaintiff, )  
11 -vs- )  
12 SCOTT L. KIMBALL, )  
13 Defendant. )  
14

Dept. No. 2  
Cause No. DC-88-8435

83

JUDGMENT

15 The above-entitled cause came on regularly before this Court on the 22nd day of  
16 December, 1999, upon the Petition of Fred Van Valkenburg, County Attorney, of Missoula  
17 County, for leave to revoke the suspended sentence upon the Defendant's prior plea of  
18 guilty as charged to the charge as contained in the Information, namely ISSUING BAD  
19 CHECKS, a Felony.  
20

21 The Defendant was personally present in Court with counsel, Dirk Beccari, and  
22 acknowledged receipt of a copy of the Petition and report of violation as filed herein by the  
23 Parole and Probation Officer of the State of Montana. The Defendant was informed of all  
24 his legal rights, and was given full opportunity by the Court to be heard;

25 On the 21st day of March, 2000, the Defendant appeared with his Counsel and  
26 admitted the allegations of the Petition. He admitted that he had violated the terms and

cc: Bob  
acct  
[unclear]

1 conditions of his probation as set out in State Rule #2: TRAVEL, State Rule #8: LAWS  
2 AND CONDUCT and State Rule #4: REPORTING in the Report of Tom Forsyth attached  
3 to the Petition to Revoke.

4 The Court finds that the Defendant is in violation of the conditions of his suspended  
5 sentence and the Court now having been fully advised as to the facts of the case,

6  
7 IT IS THE JUDGMENT OF THE COURT that Defendant's prior suspended  
8 sentence is hereby revoked and that the Defendant be and he is hereby sentenced to a  
9 term of ten (10) years in the Montana State Prison in Deer Lodge, Montana.

10 Defendant shall receive credit for time served in the Missoula County Detention  
11 Facility for June 28, 1988 [in and out same day] for August 31, 1989 [in and out same day];  
12 from September 3, 1997, through September 30, 1997; and from January 27, 2000,  
13 through date of sentencing, April 18, 2000, for one hundred thirteen (113) days.  
14 *Rmc*

15 For purposes of parole eligibility the Defendant is designated a non-violent offender.

16 Reasons for this Judgment are as follows:

- 17 1. The Defendant has been given three opportunities since September of 1988 for  
18 rehabilitation and the Defendant has failed each time. The Defendant is impossible  
19 to supervise in a community setting. The Court will quote from Deputy Probation  
20 Officer, Mr. Forsyth, "you're irresponsible, untruthful and simply do what you want to  
21 do regardless of the rules and conditions imposed by this Court."
- 22 2. The interests of justice and the needs of public safety do require the level of security  
23 provided by imprisonment of the Defendant in the prison/correctional facility.
- 24 3. Defendant's needs cannot be better served in a community facility or program other  
25 than the state prison or correctional center.
- 26 4. There are not substantial grounds tending to excuse or justify his crime.
5. The Defendant did not act under strong provocation.
6. The Defendant has already made restitution to the victim.
7. The Defendant has not led a law-abiding life for a substantial period before this  
crime.
8. Because of the circumstances, his crime will likely recur.
9. Because of the Defendant's character and attitude, the Defendant is likely to commit  
another crime.

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- 10. The Defendant is not likely to respond quickly to correctional or rehabilitative treatment.
- 11. Imprisonment would not create an excessive hardship on the Defendant or his family.

The Defendant is remanded to the custody of the Missoula County Sheriff for transportation to the Montana State Prison in Deer Lodge, Montana, for execution of this sentence and Judgment.

Any bond posted is hereby exonerated.

Done in open Court this 18th day of April, 2000.

DATED this 22<sup>nd</sup> day of May, 2000.

John S. Henson

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John S. Henson  
District Judge