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MONTANA FOURTH JUDICIAL DISTRICT COURT, MISSOULA COUNTY

STATE OF MONTANA,)	Dept. 2
)	
Plaintiff,)	Cause No.
)	
-vs-)	PLEA AGREEMENT
)	
_____ ,)	
)	
Defendant.)	

COMES NOW Jennifer Clark, Deputy County Attorney, of Missoula County, _____, Defendant, and _____, Defendant's attorney, and submit the following agreement as the appropriate disposition for resolution of the above-entitled cause.
AGREEMENT

The above-named Defendant agrees to enter a plea of guilty to the offense(s) of CARRYING CONCEALED WEAPONS, a Felony; committed on or about 26th day of November, 2007. In return for the plea of guilty, the parties agree to recommend, pursuant to 46-12-211 (1)(b) M.C.A., that the following sentence is the appropriate disposition of the case:

FINES, FEES, and SURCHARGES

1. Defendant specifically agrees that he is willing and able to pay the monetary obligations and restitution under this agreement, and agrees that payment of restitution is a condition necessary for rehabilitation of the victims under 46-18-201 (4)(n). All of the methods for collection of restitution provided under Sections 46-18-241 through 46-18-249 shall apply, including garnishment of wages and interception of tax refunds.

2. The Defendant will pay all fines and fees as ordered and _____ directed by the Court according to a schedule set up by the PO, in the amounts below:
Public Defender Description

Public Defender Fees

3. Should Defendant be incarcerated in a state institution, Defendant shall forfeit one-third of all prison earnings for payment of restitution per 46-18-244 M.C.A. All of the methods for collection of restitution provided under Sections 46-18-241 through 46-18-249 M.C.A. shall apply, including garnishment of wages and interception of tax refunds. Pursuant to Section 46-18-244(6)(b), M.C.A. Defendant shall sign a statement allowing any employer to garnish up to 25% of his wages. Pursuant to Section 46-18-244(7) M.C.A., the Department of Corrections shall give the Department of Revenue a copy of the Judgment to intercept any tax refunds. Defendant shall continue to make monthly restitution payments until he has paid full restitution, even after incarceration or supervision has ended.

OTHER TERMS OF AGREEMENT

The parties agree that a Pre-sentence Investigation Report (PSI) is necessary.

By signing below and by accepting the benefit of this agreement the Defendant expressly waives any right to appeal and any claims for post conviction relief, including but not limited to claims of ineffective assistance of counsel. Defendant understands all potential lesser included offenses and waives any right to be found guilty of a lesser included offense. Defendant further waives any right, as provided in 46-18-903 M.C.A., to make application for sentence review.

Defendant specifically agrees that he is willing and able to pay the monetary obligations and restitution under this agreement, and agrees that payment of restitution is a condition necessary for rehabilitation of the victims under 46-18-201 (4)(n). All of the methods for collection of restitution provided under Sections 46-18-241 through 46-18-249 shall apply, including garnishment of wages and interception of tax refunds.

The State will not seek Increased Punishment.

The State's recommendation is specifically conditioned upon the fact that the Defendant's criminal history as represented by Defense Counsel and set out in the State's file is accurate. The State's offer is voidable if Defendant is charged with additional crimes or violates conditions of bail between now and sentencing.

THIS OFFER EXPIRES FEBRUARY 26, 2008.

ACCEPTANCE

I the undersigned Defendant, after full discussion of the charge(s) and penalties with my

defense counsel, and after being fully advised of my rights to a jury trial, my understanding of my right to persist in my plea of not guilty and to demand a jury trial, do hereby accept the above offer and agree to enter plea(s) of guilty to the charge(s) specified. I hereby knowingly waive all objection to any substantive defect in said charge(s) and my right to a jury trial on the charge(s). I further understand that the offer made by the State is dependent upon the accuracy of my criminal history as I have represented it. My criminal history is as set out in the State's file. I understand that the Court is not bound by this Agreement and may impose the maximum penalty for the offense(s) charged, but that if the Court chooses not to follow this plea bargain, I shall be so informed and allowed to withdraw my plea(s) of guilty.

DATED this _____ day of _____, 2008.

Defendant

Counsel for Defendant

Deputy County Attorney

The undersigned as counsel for the Defendant advises the Court that:

1. He has explained the charge(s) and penalties to _____ his client.
2. He has told his client that sentencing will be done by the Court and that the Court may impose the _____ maximum penalty.
3. His client understands the position the County _____ Attorney will take concerning disposition, and understands _____ that no particular sentence has been promised.
4. His client is sufficiently advised to knowingly _____ proceed with the entry of plea(s) of guilty.

DATED this _____ day of _____, 2008.

Counsel for Defendant