

FILED

JAN 11 2019

CAROL BOHRNSEN
BY Carol Bohrsen
DEPUTY CLERK

**MONTANA THIRD JUDICIAL DISTRICT COURT
GRANITE COUNTY**

STATE OF MONTANA, Plaintiff, v. SCOTT CONRAD ADLER, Defendant.	Cause No. DC 18-02 Judge Ray J. Dayton ACKNOWLEDGMENT OF RIGHTS AND PLEA AGREEMENT
--	---

ACKNOWLEDGMENT OF RIGHTS

I, Scott Conrad Adler, the Defendant in the above-entitled matter, have had an opportunity to examine the charges brought against me, including the investigative file, and after consultation with my attorney and being fully advised, acknowledge my rights, and agree to plead guilty as hereinafter set forth.

I acknowledge that my attorney has explained to me and advised me of the following and I fully understand that:

1. I have the right to challenge the sufficiency of the Information and the affidavit supporting it; I have the right to object to any evidence that may have been obtained in violation of law; I have the right to plead not guilty, and to persist in that plea, and thereby place the burden of proof in proving my guilt upon the prosecution beyond a reasonable doubt as to all elements of each charge;

2. I have the right to a speedy and public trial by jury or to the court. I acknowledge that at such trial I have the following rights:

- a. to the effective assistance of counsel;
- b. to confront and cross-examine witnesses against me;
- c. to testify;
- d. to call and have witnesses testify on my behalf;
- e. not to be compelled to incriminate myself; and

f. to have the charges proven beyond a reasonable doubt and to appeal a finding of guilty.

3. I have reviewed the charging document, and have reviewed the maximum possible fines and imprisonment for each count. Further, I have examined the State's Motion for Leave to File Information and Affidavit of Probable Cause.

4. I have discussed with my attorney whether or not any lesser-included offenses may apply.

5. By pleading guilty, I will waive or give up those rights mentioned above, with the exception of the right to effective assistance of counsel, ~~and the right to remain silent (not incriminate myself).~~

6. I have had ample time and opportunity to discuss this case with my attorney, received the full benefit of his advice, and I am satisfied with the services of my attorney.

7. I am not suffering from any mental disease or defect, or any emotional disability, nor am I acting under the influence of alcohol, drugs, or prescription medicine that would preclude me from making any knowing, intelligent, and voluntary decision or plea.

8. I have not been threatened, coerced, forced, intimidated, or influenced in any way in entering into this plea agreement.

9. I have entered into this agreement freely and voluntarily and with full knowledge of its terms and conditions.

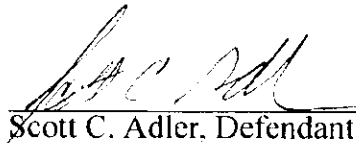
10. I understand that a plea bargain agreement is an agreement between a defendant and a prosecutor that, in exchange for particular actions and a particular plea, the prosecutor will recommend or not oppose a particular sentence and/or a particular disposition of existing charges.

11. I understand that the Court does not participate in the making of such an agreement nor is the Court bound by the agreement. This agreement is made pursuant to Mont. Code Ann. §46-12-211(1)(c) and is not binding on the Court. The Court may impose whatever legal sentence it deems fit and proper.

12. I have discussed with my attorney the sentencing laws of the State of Montana contained in Title 46, Chapter 18 of the Montana Code Annotated, and the maximum possible penalty for the offenses to which I will plead guilty, and have been advised, and have considered that the most severe sentence that can be imposed is as stated in the charging document; and

13. The plea agreement encompasses all of the understandings of the parties. No other promises have been made to me other than those specified in the plea agreement.

Dated this 11th day of January 2019.



Scott C. Adler, Defendant

PLEA AGREEMENT

It is understood and agreed between the parties that:

1. The Defendant will plead guilty to Count 1 of the Amended Information, a charge of Misdemeanor Theft, in violation of 45-6-301 (1)(a) MCA (2015). After Defendant's guilty plea is accepted, the State will move to dismiss the remaining two alternative counts of the Amended Information.

2. The Defendant agrees that the facts contained in the Amended Information and the affidavit supporting it, establish a factual basis to support the Defendant's plea and the Defendant agrees to allocute a factual basis as follows:

"I admit that I approved placement of road millings owned by Granite County, by county employees, onto my families driveway."

3. The State **will not oppose** the Defendant's request for the following sentence:

-Deferred Imposition of Sentence for a period of one (1) year on the

following conditions:

-Defendant to pay \$640 restitution to Granite County for the cost of wages for workers utilized in the project; and

Defendant to pay \$560 restitution to Granite County for use of county equipment; and

-Defendant to pay \$250 restitution for a second estimate that was obtained by the State (for prosecution of this case) and paid for by Granite County;

- Defendant shall receive credit against this restitution for the sum of \$1,450 that he paid to Granite County in September of 2017.

-Defendant shall commit no violations of federal, state, county, and local laws for the term of deferral. For purposes of this agreement a violation shall be established by a finding of probable cause by any court.

-Defendant shall also attend and successfully complete, at his own expense, the next available MACO Commissioner training course.

--Defendant shall also pay all statutory costs, surcharges, and fees, to include:

\$10 Court Information Technology Fee;

\$15 for each misdemeanor conviction;

\$50 court costs (misdemeanor);

4. Both parties agree that Defendant is responsible to pay all costs, fees, and surcharges required by statute.

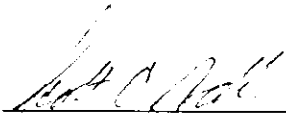
5. The Defendant agrees that he has the ability to pay all monetary obligations imposed as a part of this sentence.

6. The parties agree that at the sentencing hearing, the State and the Defendant may present and argue evidence in support of the plea agreement.

7. If sentencing is delayed, the Defendant agrees to obey all local, state, and federal law from now until the sentencing in this matter. If probable cause exists that the

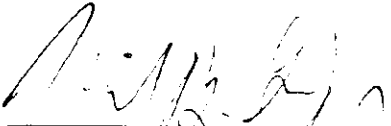
Defendant violated the law (other than a minor traffic infraction) between the change of plea hearing and sentence, then the State is free to ask for a harsher sentence, including the maximum allowed by law.

7. The Court shall retain jurisdiction of this matter during the entire period of deferral or suspension and upon violation of any condition imposed by the Court, the Defendant shall be subject to imposition of any sentence originally allowed.



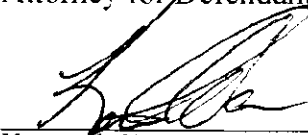
Scott C. Adler
Defendant

DATE: 1-11-19



MICHAEL B. GRAYSON
Attorney for Defendant

DATE: 1-11-19



Kenneth E. Varns
Assistant Attorney General

DATE: 1.11.2019