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MONTANA EIGHTH JUDICIAL DISTRICT COURT, CASCADE COUNTY

STATE OF MONTANA, Plaintiff, vs. GALVINN COATES MUNSON, Defendant.	No. ADC-21-876(C) **§46-12-211(1)(b)** **PLEA AGREEMENT**

WHEREAS, an Information was filed in the District Court of the Eighth Judicial District of Cascade County, Montana, charging the Defendant GALVINN COATES MUNSON, with the offenses of:

ADC-21-876(C)

COUNT I: ARSON, A FELONY, IN VIOLATION OF M.C.A. § 45-6-103(1)(c). A person convicted of the offense of arson shall be imprisoned in the state prison for a term not to exceed 20 years or be fined an amount not to exceed $50,000, or both.

OR IN THE ALTERNATIVE

COUNT I: NEGLIGENT ARSON, A FELONY, IN VIOLATION OF M.C.A. § 45-6-102(1)(a). A person convicted of this offense shall be fined not to exceed $50,000 or be imprisoned in the state prison for any term not to exceed 10 years, or both.

COUNT II: CRIMINAL MISCHIEF, A MISDEMEANOR, IN VIOLATION OF M.C.A. § 45-6-101(1)(a). A person convicted of the offense of criminal mischief shall be fined not to exceed $1,500 or be imprisoned in the county jail for any term not to exceed 6 months, or both. Additionally, a person convicted of criminal mischief must be ordered to make restitution in an amount and manner to be set by the court.

COUNT III (3) TO COUNT XXXXVI (46) (A TOTAL OF 44 COUNTS): CRIMINAL ENDANGERMENT, a Felony, in violation of M.C.A. § 45-5-207. The above-named Defendant knowingly engaged in conduct that created a substantial risk of death or serious bodily injury to another. A person convicted of the offense of criminal endangerment shall be fined an amount not to exceed $50,000 or imprisoned in the state prison for a term not to exceed 10 years, or both.

The County Attorney's Office makes the following offer for resolution of the above-entitled case.

THE PARTIES AGREE to the following:

A. The parties to this plea agreement understand that it is entered pursuant to M.C.A. §46-12-211(1)(b). The plea agreement is binding. The Defendant understands that if the Court accepts the binding plea agreement and sentences the Defendant him pursuant to the binding plea agreement, the Defendant has no right to withdraw the plea. If the Court rejects the binding plea agreement, the Defendant may withdraw his plea. This plea offer revokes any prior offer by the State.

B. Each party recognizes that sentencing in this matter is entirely within the discretion of the presiding District Court Judge, subject only to the limits of statutory and case law.

C. Each party understands that the presiding District Court Judge can limit his or her eligibility for parole and work release through furlough programs.

D. Each party understands and agrees that a plea of GUILTY BY ALFORD ENTERED TO ANY CHARGE PURSUANT TO THIS AGREEMENT CANNOT BE SUBSEQUENTLY WITHDRAWN.

E. Defendant acknowledges that, if pleading to a sexual or violent offense as defined by Montana law, that he will be required to register pursuant to M.C.A. §§ 46-23-502(7), 46-23-504, 46-23-502(10), 46-23-505, and 46-23-507.

F. Defendant acknowledges that, as part of this sentencing, this Court must impose

the appropriate surcharge for each count as provided in M.C.A. §46-18-236.

G. Defendant acknowledges that pursuant to M.C.A. §46-18-241, the Court may require him to pay the cost of supervising the payment of restitution.

H. This agreement is not considered executed and binding on either party until the defendant and his attorney has signed and initialed all appropriate places in this document and the defendant changes his plea at a change of plea hearing. At any time before the defendant changes his plea either party can withdraw from the agreement for any reason.

AGREEMENT OF THE DEFENDANT

1. Defendant agrees to plead GUILTY to:

ADC-21-876(C)

COUNT I: ARSON, A FELONY, IN VIOLATION OF M.C.A. § 45-6-103(1)(c). A person convicted of the offense of arson shall be imprisoned in the state prison for a term not to exceed 20 years or be fined an amount not to exceed $50,000, or both.

COUNT III (3) TO COUNT XXXXVI (46) (A TOTAL OF 44 COUNTS): CRIMINAL ENDANGERMENT, a Felony, in violation of M.C.A. § 45-5-207. The above-named Defendant knowingly engaged in conduct that created a substantial risk of death or serious bodily injury to another. A person convicted of the offense of criminal endangerment shall be fined an amount not to exceed $50,000 or imprisoned in the state prison for a term not to exceed 10 years, or both.

2. The Defendant agrees to have the Court impose and to abide by all the standard conditions of probation as contained in the Administrative Rules of Montana applicable at the time the Defendant is sentenced.

3. The Defendant understands that as part of this case, a confidential informant(s) or cooperating source(s) may have provided information to law enforcement. Because the Defendant is waiving his right to trial in this matter, the identity of the confidential informant(s)/cooperating source(s) or any other information about the confidential informant(s)/cooperating source(s) has not been disclosed by the State. In accepting this plea agreement, the Defendant waives disclosure of the identity of the confidential informant(s)/cooperating source(s) and any other

information about the confidential informant(s)/cooperating source(s). The Defendant understand this information may have been favorable to her and has knowingly and voluntarily waived disclosure thereof. The Defendant further waives any future request for disclosure of the identity of the confidential informant(s)/cooperating source(s) and any cause of action related thereto.

4. The Defendant agrees to pay restitution to the victim(s) on all charges/cases included in this plea agreement including any charges/cases being dismissed per this agreement.

5. Except as expressly agreed to by the Defendant in the "Agreement of the Defendant" section, the Defendant may make any recommendation she feels is appropriate.

AGREEMENT OF THE COUNTY ATTORNEY

1. The State agrees to recommend that the Court impose the following sentence(s):

COUNT I: ARSON, A FELONY, IN VIOLATION OF M.C.A. § 45-6-103(1)(c). A person convicted of the offense of arson shall be imprisoned in the state prison for a term not to exceed 20 years or be fined an amount not to exceed $50,000, or both.

Recommended Sentence

- That the Defendant be sentenced to the Montana State Prison for a period of 20 years with no time suspended.
- There shall be a 20 year parole restriction.
- The Defendant, at his own expense, shall obtain a chemical dependency evaluation and follow all recommendations.
- The Defendant shall pay restitution in the amount requested by the victims, including the victims of the first and second fires, subject to review by the Defendant's attorney and a potential restitution hearing. Restitution is expected to be between $1.5 and $2 million dollars.

COUNT III (3) TO COUNT XXXXVI (46) (A TOTAL OF 44 COUNTS): CRIMINAL ENDANGERMENT, a Felony, in violation of M.C.A. § 45-5-207. The above-named Defendant knowingly engaged in conduct that created a substantial risk of death or serious bodily injury to another. A person convicted of the offense of criminal endangerment shall be fined an amount not to exceed $50,000 or imprisoned in the state prison for a term not to exceed 10 years, or both.

Recommended Sentence

- That the Defendant be sentenced to the Montana State Prison for a period of two (2) years per Count of Criminal Endangerment (2 x 44 = 88 years) with no time suspended.
- Each of the 44 counts of criminal endangerment shall run consecutive to all other counts.

2. The State agrees to dismiss:

COUNT II: CRIMINAL MISCHIEF, A MISDEMEANOR, IN VIOLATION OF M.C.A. § 45-6-101(1)(a). A person convicted of the offense of criminal mischief shall be fined not to exceed $1,500 or be imprisoned in the county jail for any term not to exceed 6 months, or both. Additionally, a person convicted of criminal mischief must be ordered to make restitution in an amount and manner to be set by the court.

3. The State may recommend restitution to any victim, reasonable fines, or any reasonable specific conditions upon review of the Pre-Sentence Investigation and all other evidence in the case.

THE FOREGOING SENTENCING RECOMMENDATION IS CONTINGENT UPON THE DEFENDANT NOT BEING ARRESTED FOR, BEING CHARGED WITH, OR THERE BEING PROBABLE CAUSE TO BELIEVE HE COMMITTED ANY ADDITIONAL CRIME(S), MAKING ALL COURT APPEARANCES, COOPERATING WITH ADULT PROBATION AND PAROLE IN THE PREPARATION OF THE PRE-SENTENCE INVESTIGATIVE REPORT PROCESS, HAVING NO ADDITIONAL PROBATION VIOLATIONS, NOT VIOLATING HIS BAIL CONDITIONS, AND NOT VIOLATING OR ATTEMPTING TO VIOLATE ANY OTHER TERM OF THIS AGREEMENT OR ANY OTHER AGREEMENTS BETWEEN THE PARTIES. IN THE EVENT THE DEFENDANT VIOLATES THIS PARAGRAPH, THE STATE MAY MAKE ANY SENTENCING RECOMMENDATION ALLOWED BY LAW AND/OR MAY REFILE ANY DISMISSED CHARGES OR CASES. HOWEVER, THE DEFENDANT SHALL NOT BE ENTITLED TO WITHDRAW THE GUILTY OR PLEAS ENTERED IN

THIS MATTER BARRING A RULING FROM THE COURT ALLOWING WITHDRAWAL

GARVINN COATES MUNSON, DEFENDANT — DATE 8/17/22

JAY RENO, DEFENDANT'S ATTORNEY — DATE 08/17/2022

JOSHUA A. RACKI, CASCADE COUNTY ATTORNEY — DATE 8/17/22

MICHELE R. LEVINE, DEPUTY COUNTY ATTORNEY — DATE 8/17/22

Initials: State _____ Defense Counsel _____ Defendant _____

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Attorneys for the State

MONTANA EIGHTH JUDICIAL DISTRICT COURT, CASCADE COUNTY

STATE OF MONTANA, Plaintiff, vs. GALVINN COATES MUNSON, Defendant.	No. ADC-21-876(C) **ACKNOWLEDGMENT OF WAIVER OF RIGHTS BY PLEA OF GUILTY**

I, GALVINN COATES MUNSON, am prepared to enter a plea of GUILTY in the above-titled matter. This plea is being voluntarily made and not the result of force, threats or promises. I acknowledge and I fully understand that:

I am charged with the offenses of:

ADC-21-876(C)

COUNT I: ARSON, A FELONY, IN VIOLATION OF M.C.A. § 45-6-103(1)(c). A person convicted of the offense of arson shall be imprisoned in the state prison for a term not to exceed 20 years or be fined an amount not to exceed $50,000, or both.

OR IN THE ALTERNATIVE

Initials: State _____ Defense Counsel _____ Defendant _____

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By my initials I, the above-charged Defendant, certify that I understand and acknowledge the following:

_____ 1. I am under no obligation to plead GUILTY.

_____ 2. The judge advised me about the maximum possible penalties for the offense(s) to which I am pleading GUILTY.

_____ 3. I understand by pleading GUILTY I give up the following:

a. The presumption of innocence
b. The right to remain silent
c. The right to a jury trial
d. The right to a speedy and public trial
e. The right to have the State prove each element of the offense(s) beyond a reasonable doubt.
f. The right to summon witnesses on your behalf;
g. The right to cross-examine the State's witnesses

_____ 4. By pleading GUILTY I am waiving any factual dispute that I committed acts that constitute the elements of the offense.

Initials: State _____ Defense Counsel _____ Defendant _____

5. I may be required to pay restitution and court costs and assessments provided by law.

6. By pleading GUILTY I am giving up the possibility of being found guilty of a lesser offense.

7. I am not suffering from a physical illness, physical injury, or ailment that affects my ability to waive my rights, plead GUILTY, or enter into this agreement.

8. I am not under the influence of drugs or alcohol at this time.

9. I take the following prescription medications: _____

_____

The above medications do not affect my ability to know what I am doing.

10. I am not under any emotional or mental disability that would prevent me from knowing what I am doing.

11. By pleading GUILTY I give up my right to appeal my conviction.

12. By pleading GUILTY I may be barred from certain occupations or professions.

13. I understand that a plea of GUILTY is one of the strongest proofs known to the criminal law.

14. I certify that I am not under any pressure or coercion from law enforcement, the county attorney, or anyone to plead GUILTY.

15. If I am not a United States citizen, a GUILTY plea may result in deportation from or exclusion from admission to the United States or denial of naturalization under federal law.

16. If I am on probation, I understand that a plea of GUILTY could constitute grounds for revocation of probation.

17. By pleading GUILTY I understand that I may be barred from possessing firearms.

18. If I am pleading to a sexual or violent offense as defined by Montana law, I will be required to register pursuant to M.C.A. §§ 46-23-502(7),

46-23-504, 46-23-502(10), 46-23-505, and 46-23-507.

19. I have discussed the consequences of my GUILTY plea with my attorney.

20. I have discussed all of the possible defenses that I might have in this case with my attorney.

21. I have not had any communication problems with my attorney.

22. I am satisfied with the services of my attorney.

23. I have no complaints about my attorney.

24. I understand that a conviction for a DUI offense or an offense of domestic violence may be used against me to enhance a sentence in any subsequent convictions for that type of offense.

25. I have read the last paragraph of my plea agreement, it is in bold print, and understand that violation of that paragraph may result in me losing important benefits of this agreement. I further understand that such a violation shall not entitle me to withdraw my plea or pleas unless allowed by court order.

I have read and understand this Acknowledgement of Waiver of Rights by Plea of GUILTY. I understand the rights which I have in this case and that by pleading GUILTY I waive these rights.

GALVINN COATES MUNSON, DEFENDANT — DATE 8/17/22

I certify that the defendant has read the above or I have read the above to the defendant. I have advised the defendant of the above and explained it and I am satisfied that the defendant understands all the rights and that the plea of is being voluntarily made, and that the defendant understands the waiving of these rights by entering this plea of GUILTY.

JAY RENO, DEFENDANT'S ATTORNEY — DATE 08/17/22

Initials: State _____ Defense Counsel _____ Defendant _____