

1 KIRSTEN H. PABST
Missoula County Attorney
2 Missoula County Courthouse
Missoula, Montana 59802
3 (406) 523-4737
ATTORNEY FOR PLAINTIFF

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MONTANA FOURTH JUDICIAL DISTRICT COURT, MISSOULA COUNTY

STATE OF MONTANA,
Plaintiff,

Dept. No.
Cause No. DC-17-500

-vs-

**STATE'S MOTION TO REVOKE DEFENDANT'S
ACCESS TO LAW LIBRARY**

AUGUSTUS STANDINGROCK,
Defendant.

INTRODUCTION

Comes Now, KIRSTEN H. PABST, County Attorney of Missoula County, and Moves this Court to issue and order revoking Defendant's previous order allowing him access to the law library at the Missoula County Detention Facility [MCDF]. It is the State's position that the Detention Administration should have to discretion to allow or prohibit Defendant's access to the law library, and maintain the flexibility to change that determination based on evolving security concerns.

BACKGROUND

Defendant is not pro se---he is currently represented by two attorneys, who are charged with performing necessary legal research on her behalf. Importantly, he has

1 engaged in disruptive and dangerous behaviors while in the MCDF, presenting on-going
2 security concerns for detention staff.

3 Specifically, on August 20, 2017 Defendant was banging his head on dayroom door.
4 On August 23, 2017, Defendant covered speaker and camera. Officers found him in
5 possession of an illicit pencil and he was holding it as a weapon.

6 On August 31, 2017, Defendant flooded his cell.

7 On September 2, 2017, Defendant again covered his camera.

8 On September 11, 2017, Defendant was involved in a sustained violent incident
9 lasting over two hours. Defendant made a weapon by breaking the handle of a shower
10 brush, sharpening it and then damaged windows with it. Defendant threatening staff and
11 refused to lock-down for nearly 2 hours. He disrupted the entire operation at the detention
12 facility and required them to call in the DRT.

13 On September 13, Defendant refused to lock-down and then challenged a detention
14 officer to fight.

15 On September 19, 2017 Defendant encourage other inmates to "shit on, stab and kill
16 guards. You can take them."

17 On September 26, 2017 Defendant was in possession of another illicit pencil which
18 officers believe he had taken from a visit with mental health provider in indoor rec.

19 On October 10, 2017, Defendant again refused to lock-down after being requests by
20 several officers. He was caught with a full sized pencil in the waistband of his pants.

21 Defendant has been written up for Threats of bodily harm or death; Dangerous
22 contraband; Disobeying direct orders; Interfering with Staff members in the performance of
23 duties; Disruptive conduct; and Being in an unauthorized area.

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1 Throughout his stay, Defendant has tried to harm officers, threatened to harm
2 officers, destroyed property, and has been caught with a sharpened pencil at least three
3 times. It is clear he intends on continuing on this path. Detention staff has warned him,
4 taken away privileges, limited his movement and has had to put him in restraints and
5 MAX for his and their protection. This Court should defer to those responsible for the
6 safety of inmates and smooth administration of the MCDF on whether Defendant should
7 be granted additional movement within the facility thereby exacerbating and already
8 concerning safety risk.

9 Defendant's attorney, Colin Stephens, has been contacted and objects to the
10 State's Motion.

11 DATED this 15th day of October, 2017.

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13 /s/ Kirsten H. Pabst
14 KIRSTEN H. PABST
Missoula County Attorney
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CERTIFICATE OF SERVICE

I, Kirsten H. Pabst, hereby certify that I have served true and accurate copies of the foregoing Motion - Motion to the following on 10-16-2017:

Colin M. Stephens (Attorney)
315 W. Pine
Missoula MT 59802
Representing: Augustus Storm Standingrock
Service Method: eService

Nicholas Kirby Brooke (Attorney)
315 W. Pine St.
Missoula MT 59807
Representing: Augustus Storm Standingrock
Service Method: eService

Jennifer Clark (Prosecutor)
200 W. Broadway
Missoula MT 59802
Representing: State of Montana
Service Method: eService

Selene Marie Koepke (Prosecutor)
200 West Broadway
4th Floor
Missoula MT 59802
Representing: State of Montana
Service Method: eService

Jason Troy Marks (Prosecutor)
Missoula County Attorney's Office
200 W Broadway
Missoula MT 59802
Representing: State of Montana
Service Method: eService

Electronically signed by Crystal Franchuk on behalf of Kirsten H. Pabst

Dated: 10-16-2017