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COUNSEL FOR STATE

**MONTANA FIFTH JUDICIAL DISTRICT COURT  
 MADISON COUNTY**

STATE OF MONTANA,  Plaintiff,  v.	Cause No(s). DC-29-2022-23 DC-29-2022-24 DC-29-2022-22 DC-29-2022-26
JESSE MICHAEL BOYD, BETHANY GRACE BOYD, CARTER NORMAN PHILLIPS, ERIC ANTHONY TRENT,  Defendant(s).	<b>STATE'S NOTICE OF FAILURE        TO COMPLY WITH ORDER TO        COMPEL</b>

COMES NOW the State of Montana, by and through Assistant Attorney General Thorin A. Geist and Madison County Attorney David Buchler, and hereby notifies the District Court that the Defendants have failed to comply with its *Order on State's First Motion to Compel* (Ct. Doc. #61) as follows:

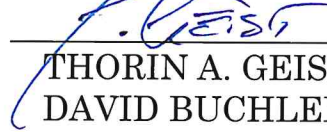
1. On March 16, 2023 the Defendants were ordered to **immediately** file with the District Court a *Notice of Affirmative Defense* Witnesses that

fully complied with § 46-15-323(2) and (4), MCA. *Order* at p. 1-2. To date, the Defendants have failed to comply.

2. On March 16, 2023, the Defendants were ordered to immediately provide the State with contact information for all witnesses that they intend to call at trial, including those who would be called in support of their affirmative defenses. *Id.* To date, the Defendants have failed to provide contact information for five witnesses.<sup>1</sup>

The District Court warned the Defendants that “failure to comply will result in sanctions being imposed pursuant to § 46-15-329(3)-(4), MCA.” *Id.* Having failed to comply, sanctions should now be imposed.

DATED this 24 day of March, 2023.

By:   
THORIN A. GEIST  
DAVID BUCHLER  
*Attorney for the State of Montana*

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<sup>1</sup> Laney Cutshaw, Josef Najah, Joseph Thornock, Donald Limes, and Dexter Baker were identified in the State’s *Reply to First Motion to Compel* at pp. 2-3 (Ct. Doc. #62).

## **CERTIFICATE OF SERVICE**

I, Thorin Aidan Geist, hereby certify that I have served true and accurate copies of the foregoing Notice - Notice to the following on 03-24-2023:

Alexander Louis Roots (Attorney)  
27 N Tracy Ave  
P.O. Box 1  
Bozeman MT 59771  
Representing: Jesse Michael Boyd  
Service Method: eService

John M. Pierce (Attorney)  
21550 Oxnard Street  
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Woodland Hills CA 91367  
Representing: Jesse Michael Boyd  
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David A. Buchler (Govt Attorney)  
P.O. Box 73  
100 W. Wallace Street  
Virginia City MT 59755  
Representing: State of Montana  
Service Method: eService

Electronically signed by Maggie Sowisdral on behalf of Thorin Aidan Geist  
Dated: 03-24-2023