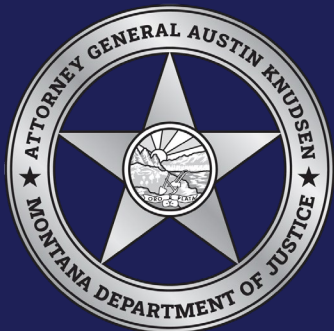


STATE ATTORNEY OFFICE SAO

February 2023
Section D Budget Presentation



State Attorney Office Org. Chart

Administrator

Natural Resource
Damage Program

Prosecution
Services Bureau
Dan Guzynski

Child Protection
Unit
Karen Kane

Solicitor General
Christian Corrigan

Civil Bureau
Christian Corrigan

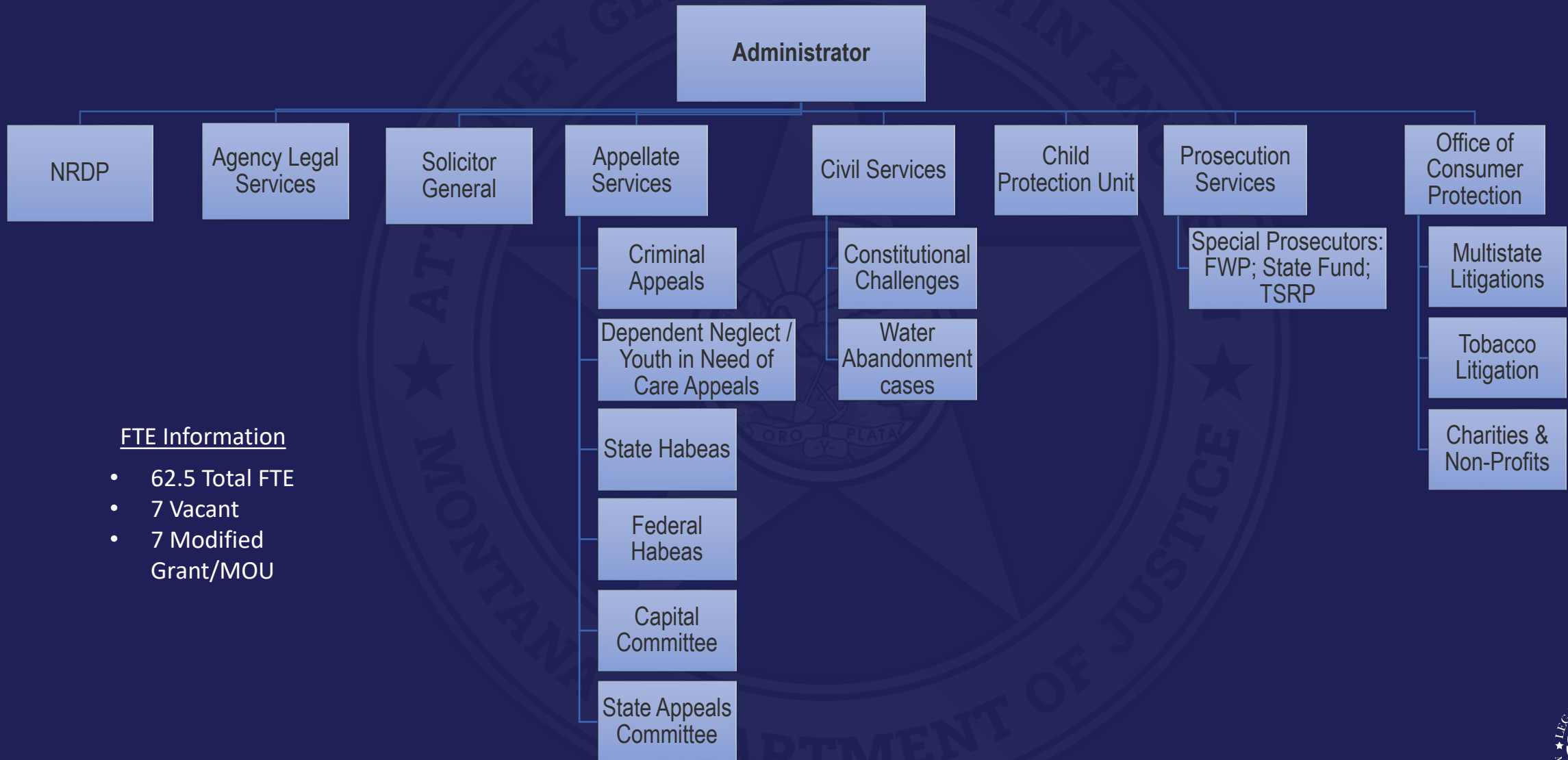
Appellate Bureau
Tammy Plubell

Agency Legal
Services
Aislinn Brown

Office of Consumer
Protection
Anna Schneider



State Attorney Office Org. Chart



FTE Information

- 62.5 Total FTE
- 7 Vacant
- 7 Modified Grant/MOU



State Attorney Office Locations

Helena (HQ)

- Civil Bureau
- Appellate Bureau
- Office of Consumer Protection
- Agency Legal Services
- Natural Resource Damages (administratively attached)
- Prosecution Services

Missoula

- Child Protection Unit
- Prosecution Services

Bozeman

- Appellate Bureau
- Prosecution Services

Billings

- Child Protection Unit



Items of Interest

- The Legal Services Division operates as the in-house law firm for the State of Montana
- Primary duties/obligations
 - Defend the constitutionality of State laws
 - Represent the State on all criminal appeals
 - Prosecute serious felonies at request of County Attorneys
 - Consumer Protection
 - Provide advice and legal services to State agencies



Agency Legal Services

- Provides legal counsel to state government officials and state agencies.
- Represents other state agencies in civil actions ranging from liability lawsuits to personnel issues.
- In the past year, ALSB has obtained numerous favorable results for its agency clients in state and federal courts. Its attorneys have experience in and provide advice for a broad variety of subject matters government agencies in Montana face.



Appellate Bureau

- Represent the State on all criminal related appeals
 - Montana Supreme Court
 - Federal court
 - Ninth Circuit Court of Appeals
- 9 Attorney FTE's



Appellate Services Example One

State v. Dewise, 2022 MT 145, Deliberate Homicide and Attempted Deliberate Homicide conviction affirmed after briefing.

Facts: DeWise physically abused his wife Lauren for years. In November 2017, Lauren separated from DeWise and moved in with two other women, Audria and Ashley. On the morning of January 7, 2018, Audria returned home to find Lauren dead in her bed. Audria ran to Ashley's room and found her bloody, lying on the floor weakly begging for help. Ashley survived her serious, life-threatening injuries.

DeWise's teenaged son disclosed that on January 6, 2018, his father took him to Lauren's home. Dewise was armed with a pistol. They both wore masks and gloves. DeWise's son watched him shoot and kill his step-mom and shoot Ashley. Afterwards, DeWise stopped at the Town Pump for a six-pack of beer. DeWise threatened his son not to incriminate him.



Appellate Services Example Two

State v. LaFournaise, 2022 MT 36, Sexual Intercourse Without Consent conviction affirmed following briefing and oral argument

Facts: In 2013, the Defendant began sexually harassing the victim at school when she was in the sixth grade. As a result, the Defendant was suspended on several occasions.

In 2015, as the victim was walking home from volleyball practice in East Helena, the Defendant approached her from behind, pushed her down, and said he was going to hurt her. The Defendant forcibly raped the victim, cut her thigh with a knife and warned her that if she told anyone, he would kill her. The victim, believed the Defendant's threat and kept this secret until 2017. In the meantime, the victim went from thriving to dropping out of public school and engaging in self-harm.

The victim disclosed the rape after the Defendant called her and told her that he planned to rape her again and intended to impregnate her.



Appellate Services Example Three

State v. McCoula, 2022 MT 197, Incest conviction affirmed after briefing

Facts: The Defendant subjected his daughter to every manner of sexual abuse beginning at the age of four until she finally reported the abuse at the age of 18. The Defendant repeatedly inserted foreign objects into the victim's vagina including pens, hammer handles, and plunger handles, and engaged in other torturous practices.

When the victim struggled against or resisted the sexual abuse, the Defendant went to the victim's baby sister and started poking her in the privates with a straight pin. The victim then agreed to all the Defendant's sexual demands to protect her baby sister. The victim was pregnant at the age of 15 after Defendant raped her. The Defendant caused the victim to miscarry by repeatedly punching her in the stomach. The Defendant threatened the victim that if she ever told anyone about the abuse, he would kill all her siblings.



Civil Bureau

- Defend the constitutionality of State laws
- Receive service of process for the State, its agencies, and officers
- Liaison to Risk Management Tort Division re: tort claims against the State
- Provide Attorney General opinions when properly requested
- Review ballot measures for legal sufficiency



CASES PENDING IN CIVIL BUREAU

- Civil Bureau litigated more than 20 challenges to legislation in the last biennium alone, in addition to many other legal issues

- 2021 Bills challenged:

HB 102	HB 171	HB 325	HB 702	SB 140	SB 280
HB 112	HB 176	HB 349		SB 169	SB 314
HB 136	HB 224	HB 379		SB 265	SB 319
HB 140	HB 225	HB 506		SB 266	SB 506
HB 169	HB 229	HB 530		SB 267	

- Abortion: whether providers other than doctors or physician assistants can perform abortions; parental consent statute for minor abortions (this case has been held hostage by Montana courts for 10 years)
- Challenges to Legislature's subpoena over judicial officers
- Challenges to the 2011 MEPA amendment and the State's energy policy
- PSC redistricting: new map drawn by a 3-judge (federal) panel
- Public records litigation
- Of all legislation challenges, only SB 140 was held to be constitutional. All other challenges are still pending (many with preliminary injunctions in place) or resulted in the courts declaring the legislation unconstitutional

Child Protection Unit

- The CPU is a team of experienced child abuse prosecutors who assist county attorney's offices by providing training and handling the prosecution of civil Dependency Neglect cases at the request of county attorneys, when there is a conflict of interest, or when the CA is otherwise unable to represent the State.
- The CPU has offices in Billings, Helena, and Missoula and focuses on ensuring the best practice prosecution and resolution of child welfare cases in MT.



Child Protection Unit

- CPU typically assists more than 30 County Attorney's offices in every region of the State with more than 200 active Dependency and Neglect cases at any given time.
- CPU assisted Hill County when the county was without a county attorney or a deputy county attorney by substituting as State's counsel in dozens of pending and newly filed Dependency and Neglect cases while the CA office transitioned into new leadership.
- CPU assists a variety of specialty courts throughout the State by providing prosecutorial services such as Yellowstone County's ICWA Court involving Indian children, and Flathead County's Flathead Family Treatment Court involving parents with Substance Use Disorders.



Prosecution Services Bureau

- Upon request of Montana County Attorneys, PSB prosecutes various complex criminal cases, such as homicides and child sexual abuse cases.
- Composed of 10 Prosecutors and 3 support staff

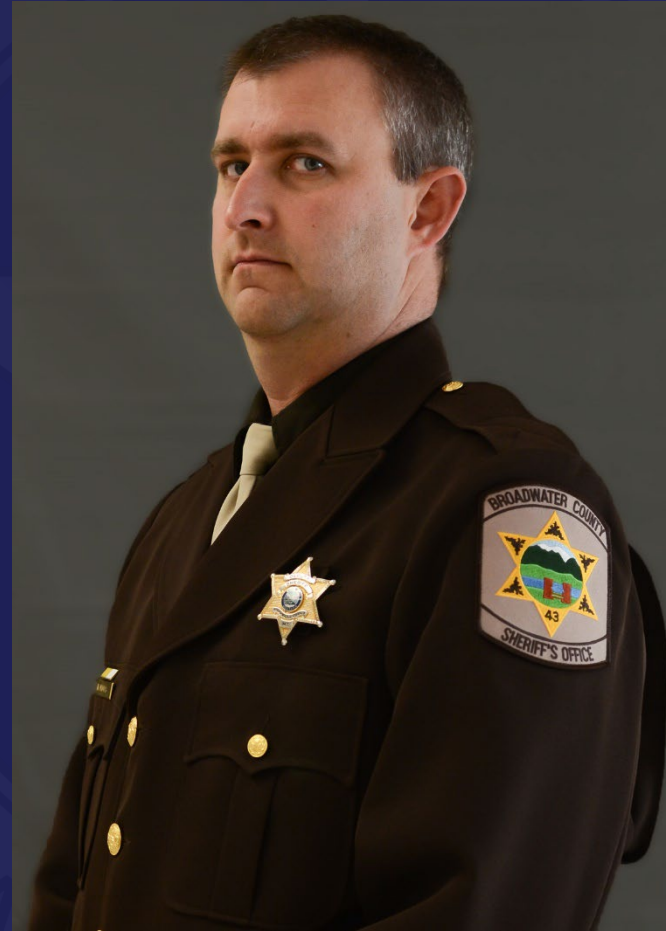


PSB Prosecutions 2021-2022

- PSB obtained 15 homicide-related convictions in 9 counties across the state of Montana from 2021 through 2022.
- The other time-consuming prosecution that PSB does are sexual assault-related cases for counties around the state.



Murder of Deputy Mason Moore



PROSECUTED BY PSB AND BROADWATER COUNTY



State v. Lloyd Barrus

Lloyd Barrus was charged with deliberate homicide after killing Deputy Mason Moore.

Barrus and his son shot and killed Deputy Mason Moore, firing over 20 shots into his vehicle, followed by a high-speed chase and shootout that began outside of Butte and ended East of Missoula.

<u>Jurisdiction:</u>	Broadwater County.
<u>Investigated by:</u>	MT Department of Justice-Division of Criminal Investigation Bureau (DCI) and Missoula County Sheriff's Office.
<u>Prosecuted by:</u>	Prosecution Services Bureau and the Broadwater County Attorney's Office.

- Prosecution took place over 5 years- hundreds of hours spent on pretrial preparation and litigation.
- Over 800 exhibits were admitted by the State.
- 24 witnesses called by the State to testify.
- After a 2-week trial the Defendant was convicted of Deliberate Homicide for the death of Deputy Mason Moore and Attempted Homicide for shooting at law enforcement during the high-speed chase.

State v. Lloyd Barrus (cont.)

- A Butte-Silver Bow County jury of twelve CONVICTED Lloyd Barrus of deliberate homicide on Tuesday, September 21, 2021, after 2 hours of deliberations.
- At the conclusion of 5 years of litigation and a two-week jury trial, Judge Kathy Seeley SENTENCED Lloyd Barrus in April of 2022 to 3 life sentences without the possibility of parole at Montana State Prison.



State v. Lavodrick Hogue

- Undercover DCI Agent finds adult escort posting on www.backpage.com
- It was found that the defendant prostituted a 17-year-old girl from New Mexico in Montana.
- She was located by the Agent at the Howard-Johnson Motel in Billings, MT.
- PSB convicted the Defendant of Aggravated Promotion of Prostitution [Sex Trafficking]
- Defendant was sentenced to 15 years at Montana State Prison



State v. Danielle Wood

Danielle Wood was charged with deliberate homicide after killing her daughter's father during a contentious and lengthy custody battle.

<u>Location:</u>	Thompson Falls, MT (Sanders County)
<u>Investigated by:</u>	Division of Criminal Investigation Bureau
<u>Prosecuted by:</u>	Prosecution Services Bureau

- 100's of hours spent on pretrial preparation – including geolocation and cell phone data
- Over 200 exhibits admitted by the State
- 30 witnesses called by the State to testify
- 11-day trial



State v. Danielle Wood (cont.)

- A Sanders County jury convicted Danielle Wood of deliberate homicide.
- Judge Christopher sentenced the defendant to the Montana Women's Prison to 100 years without the possibility of parole.



Office of Consumer Protection

Responds to and enforces Montana's consumer protection laws & regulations relating to unfair and deceptive business practices



Opioid Litigation

- Montana Opioid Abatement Trust Created to Provide 62 Subdivisions with funds to combat the opioid crisis.
- Settled with Opioid Distributors.
- In the process of settling with the Opioid Pharmacies including CVS, Walgreens, Teva, Allergan, and Walmart.
 - Funds from the Pharmacy Settlements will also go to the Montana Opioid Abatement Trust.

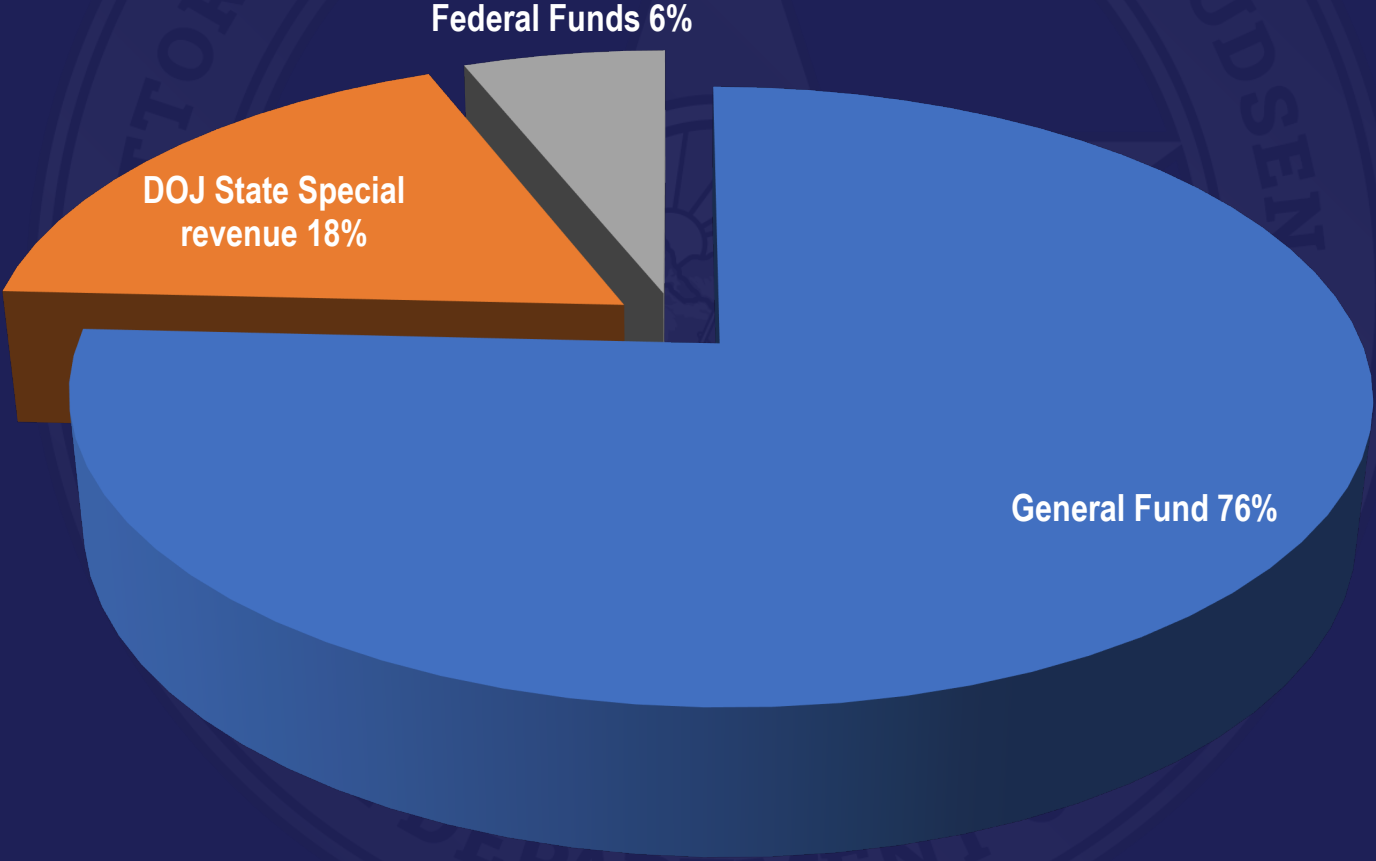


Generic Drugs Antitrust Litigation

- Lawsuits stem from a massive investigation in the U.S. generic drugs market.
- Possibly the largest domestic corporate cartel case in U.S. history.
- Allegations include an overarching conspiracy to fix prices and allocate markets.
- Combined, the lawsuits focus on over 200 drugs, prescribed for treatment in a range of diseases and conditions.
- The Defendants include over two-dozen corporate defendants and over two-dozen individuals.



State Attorney's Office Budget (Fiscal Year 2023)



Budget Requests

	Fiscal 2024				Fiscal 2025					
	FTE	General Fund	State Special	Federal Special	Total Funds	FTE	General Fund	State Special	Federal Special	Total Funds
DP 1 - Personal Services	0.00	(89,047)	(6,702)	0	(95,749)	0.00	(63,824)	(4,803)	0	(68,627)
DP 2 - Fixed Costs	0.00	383,933	3,838	0	387,771	0.00	383,680	3,930	0	387,610
DP 3 - Inflation Deflation	0.00	232,496	17,500	0	249,996	0.00	242,958	18,287	0	261,245
DP 102 - Litigation Funding - RST/Bien	0.00	1,000,000	0	0	1,000,000	0.00	1,000,000	0	0	1,000,000
Grand Total All Present Law Adjustments	0.00	\$1,527,382	\$14,636	\$0	\$1,542,018	0.00	\$1,562,814	\$17,414	\$0	\$1,580,228

"Total Funds" amount includes funding from sources other than General Fund, State Special, or Federal Special (i.e. Proprietary).

Budget Requests (cont.)

New Proposals	Fiscal 2024					Fiscal 2025				
	FTE	General Fund	State Special	Federal Special	Total Funds	FTE	General Fund	State Special	Federal Special	Total Funds
DP 101 - Civil Attorney	3.00	346,631	0	0	346,631	3.00	346,051	0	0	346,051
DP 197 - Appellate Attorney	1.00	0	133,115	0	133,115	1.00	0	128,686	0	128,686
DP 198 - Natural Resource Damage Program Contingency (RST/BIEN/OTO)	0.00	750,000	0	0	750,000	0.00	750,000	0	0	750,000
DP 199 - State Attorney's Office Prosecution Enhancement	3.00	0	355,031	0	355,031	3.00	0	347,824	0	347,824
Total	7.00	\$1,096,631	\$488,146	\$0	\$1,584,777	7.00	\$1,096,051	\$476,510	\$0	\$1,572,561

***Total Funds* amount includes funding from sources other than General Fund, State Special, or Federal Special (i.e. Proprietary).

State Attorney Office

Will Selph

SAO Administrator

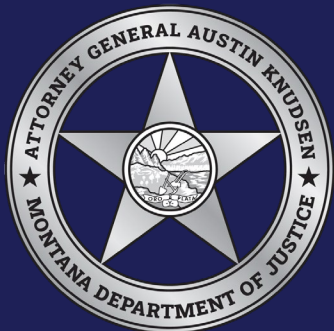
Department of Justice

william.selph@mt.gov



Natural Resource Damage Program

Administratively attached



Natural Resource Damage Program

- Assess injuries and recover damages for the State's natural resources injured by the release of hazardous substances and oil.
- Restore, rehabilitate, replace, or acquire the equivalent of the injured natural resources.
- Established in 1990



What Does NRDP Do?

- Acts on behalf of the Governor as Trustee
- Organization
 - Recovery Component (assessment of injuries and recovery of damages)
 - Restoration Component (implementing restoration using settlement funds based on restoration plans approved by Governor)
- NRDP's settlement funds are by law State special revenue (non-budgeted) and cannot be used to fund the Recovery Component of the Program
- NRDP is *not* a regulatory agency
- NRDP works with multiple stakeholders, local landowners, and entities

NRDP has recovered more than \$275 million for the state of Montana

Year	Area	NRD Recovered for Restoration (\$millions)
1999	Upper Clark Fork Basin – I	\$144 (incl. \$2 land)
2005	Milltown Dam & Sediment Removal	\$13 (cash and other value)
2008	Upper Clark Fork Basin – II	\$72.5
2009	Upper Blackfoot River/Mike Horse Dam	\$8
2009	East Helena	\$5 (plus 232 acres open space)
2016	2011 Yellowstone River ExxonMobil Oil Spill	\$9.5 (plus \$2.5 to US)
2020	Butte CD	\$20.5 total State settlement, with leftovers from Blacktail Creek remedy (DEQ) going to restoration.
2021	Bridger 2015 Yellowstone River Oil Spill	\$2.0 (to both State and US)
2023	Libby OU3 (Pending)	\$18.5
	Totals	Over \$275

DP 198 - Natural Resource Damage Program Contingency - OTO/Bien/RST -

The executive requests a one-time-only increase in general fund authority as contingent funding for the Natural Resource Damage Program (NRDP).

NRDP Restoration Areas

