

FILED

09/10/2024

Janice Klempel
CLERK

Richland County District Court

STATE OF MONTANA

By: Janice Klempel

DC-42-2023-000088-IN

Rieger, Olivia

44.00

MONTANA SEVENTH JUDICIAL DISTRICT COURT, RICHLAND COUNTY

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| STATE OF MONTANA, Plaintiff, v. JORDAN DANIEL HALL, Defendant. | Hon. Olivia Rieger Case No. DC-42-2023-88 ORDER DEFERRING IMPOSITION OF SENTENCE |
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An Information was filed herein on September 15, 2023, charging the Defendant with the following offense:

THEFT BY EMBEZZLEMENT EXCEEDING \$10,000.00 – 1ST OFFENSE, a felony, in violation of Section 45-6-301, M.C.A.

On May 28, 2024, a change of plea hearing was held in this matter. Present were the Defendant, JORDAN DANIEL HALL; Shandor Badaruddin, the Defendant's attorney; and Charity McLarty, Richland County Attorney. The parties had entered into a plea agreement. Pursuant to the agreement, the Defendant entered a plea of *nolo contendere* to the following offense:

THEFT BY EMBEZZLEMENT – 1ST OFFENSE, a felony, in violation of Section 45-6-301, M.C.A.

The Court accepted the Defendant's plea, and ordered that a pre-sentence investigation be conducted.

On August 28, 2024, this matter came before the Court pursuant to notice for the purpose

of holding the sentencing hearing. Present by video were the Defendant, JORDAN DANIEL HALL, and Shandor Badaruddin, the Defendant's attorney. Present in the courtroom was Charity McLarty, Richland County Attorney. The pre-sentence investigation report was on file and of record herein, and copies of it had been properly distributed to the parties. The Court heard arguments of counsel. The Court afforded the Defendant an opportunity to make a statement prior to the pronouncement of judgment and sentence. The Defendant did not make a statement. The Court inquired of the Defendant whether there was any legal reason why judgment and

sentence could not then be pronounced. The Defendant stated that there was no reason. The Court being fully advised in the premises,

It Is Hereby ORDERED, ADJUDGED, and DECREED that based upon his knowing and voluntary plea of *nolo contendere*, the Defendant, JORDAN DANIEL HALL, is guilty of the following offense:

THEFT BY EMBEZZLEMENT-EXCEEDING \$10,000.00 – 1ST OFFENSE, a felony, in violation of Section 45-6-301, M.C.A.

It Is Hereby FURTHER ORDERED, ADJUDGED, and DECREED for the offense of Theft by Embezzlement – Exceeding \$10,000.00 – 1st offense, a felony, imposition of sentence is deferred for a period of three years subject to the conditions hereinafter set forth. The Defendant shall pay restitution to the Fellowship Baptist Church in the amount of \$15,454.44. The Defendant shall issue a public apology, in letter form, to the Fellowship Baptist Church and congregation. While he will not receive credit at this stage of the proceedings, it is noted that the Defendant spent 6 days in jail.

It Is Hereby FURTHER ORDERED that during all periods of deferment, the Defendant shall be subject to the following conditions:

1. The Defendant shall be placed under the supervision of the Department of Corrections (Department), subject to all rules and regulations of Probation and Parole.
2. The Defendant must obtain prior approval from the Probation and Parole Officer before taking up residence in any location. The Defendant shall not change place of residence without first obtaining permission from the Probation and Parole Officer or the Officer's designee. The Defendant must make the residence open and available to a Probation and Parole Officer for a home visit or for a search upon reasonable suspicion. The Defendant will not own dangerous or vicious animals and will not use any device that would hinder a Probation and Parole Officer from visiting or searching the residence.
3. The Defendant must obtain permission from the Probation and Parole Officer or the officer's designee before leaving assigned district.
4. The Defendant must seek and maintain employment or maintain a program approved by the Board of Pardons and Parole or the Probation and Parole Officer. Unless otherwise directed by the Probation and Parole Officer, the Defendant must inform his employer and any other person or entity, as

determined by her Probation and Parole Officer, of his status on probation, parole, or other community supervision.

5. Unless otherwise directed, the Defendant must submit written monthly reports to the Probation and Parole Officer on forms provided by Probation and Parole. The Defendant must personally contact the Probation and Parole Officer or designee when directed by the Officer.
6. The Defendant is prohibited from using, owning, possessing, transferring, or controlling any firearm, ammunition (including black powder), weapon, or chemical agent such as oleoresin capsicum or pepper spray.
7. The Defendant must obtain permission from the Probation and Parole Officer before engaging in a business, purchasing real property, purchasing an automobile, or incurring a debt.
8. Upon reasonable suspicion that the Defendant has violated the conditions of supervision, a Probation and Parole Officer may search the person, vehicle, and residence of the Defendant, and the Defendant must submit to such search. A Probation and Parole Officer may authorize a law enforcement agency to conduct a search, provided the Probation and Parole Officer determines reasonable suspicion exists that the Defendant has violated the conditions of supervision.
9. The Defendant must comply with all municipal, county, state, and federal laws and ordinances and shall conduct herself as a good citizen. The Defendant is required, within 72 hours, to report any arrest or contact with law enforcement to the Probation and Parole Officer or designee. The Defendant must be cooperative and truthful in all communications and dealings with any Probation and Parole Officer and with any law enforcement agency.
10. The Defendant is prohibited from using or possessing alcoholic beverages and illegal drugs. The Defendant is required to submit to bodily fluid testing for drugs or alcohol on a random or routine basis and without reasonable suspicion.
11. The Defendant is prohibited from gambling.
12. The Defendant shall pay all fines, fees, and restitution ordered by the sentencing court.
13. The Defendant shall pay the following fees and/or charges:
 - a. The Probation and Parole Officer shall determine the amount of supervision fees (§46-23-1031, M.C.A.) to be paid each month online at <https://svc.mt.gov/doi/opp/COROffenderPay/cart> OR by money order or cashier's check to the Department of Corrections, Collections Unit, P.O. Box 201350, Helena, MT 59620 (\$50.00 per month if the Defendant is sentenced under §45-9-202, M.C.A., dangerous drug felony offense and placed on ISP). The Department shall take a portion of the Defendant's inmate account if the Defendant is incarcerated.
 - b. A \$50.00 fee at the time a PSI report is completed, unless the court determines the Defendant is not able to pay the fee within a reasonable time (§46-18-111, M.C.A.). The Defendant shall pay online at <https://svc.mt.gov/doi/opp/COROffenderPay/cart> OR by money order or cashier's check to the Department of Corrections, Collections Unit, PO Box 201350, Helena, MT 59620. Please include the District Court case number & DOC offender ID #.
 - c. The Defendant shall pay court-ordered restitution online by going to the following webpage: <https://svc.mt.gov/doi/opp/COROffenderPay/cart> OR by money order or cashier's check to the Department of Corrections, Collections Unit, PO Box 201350, Helena, MT 59620. Please include the District Court case number & DOC offender ID #. The Defendant shall be assessed a 10% administration fee on all restitution ordered. All methods for collection of restitution provided under 46-18-241 through 46-18-249, MCA, shall apply, including garnishment of wages and interception of state tax refunds. Pursuant to 46-18-244(6)(b), MCA, the Defendant shall sign a statement allowing any employer to garnish up to 25% of wages. The Defendant shall continue to make monthly restitution payments until restitution is paid in full, even after incarceration or supervision has ended.



- d. Surcharge of the greater of \$20.00 or 10% of the fine for each felony offense. [§46-18-236(1)(b), M.C.A.]
 - e. Surcharge for victim and witness advocate programs is an additional \$50.00 for each misdemeanor and felony charge under Title 45, Crimes or §61-8-1002, M.C.A., Driving under influence. [§46-18-236(1)(c), M.C.A.]
 - f. \$10.00 for court information technology fee. (§3-1-317, M.C.A.)
 - i. The Defendant shall pay costs of legal fees and expenses defined in §25-10-201, M.C.A., plus costs of jury service, prosecution, and pretrial, probation, or community service supervision or \$100.00 per felony case or \$50.00 per misdemeanor case, whichever is greater. (§46-18-232, M.C.A.)
- 14. If convicted of a felony offense, the Defendant shall submit to DNA testing. (§44-6-103, M.C.A., and, for sexual and/or violent offenders, §46-23-504, M.C.A.)
 - 15. The Defendant shall not abscond from supervision. Absconding is a non-compliance violation as defined in §46-23-1001(3)(d), M.C.A.
 - 17. The Defendant shall successfully complete a cognitive and behavioral modification program at the discretion of the Probation and Parole Officer.
 - 18. The Defendant shall not possess or use any electronic device or scanner capable of listening to law enforcement communications.
 - 19. The Defendant shall not enter any bars.
 - 20. The Defendant shall not enter any casinos.
 - 21. The Defendant shall not knowingly associate with probationers, parolees, prison inmates, or persons in the custody of any law enforcement agency without prior approval from the Probation and Parole Officer outside a work, treatment, or self-help group setting. The Defendant shall not associate with persons as ordered by the court or BOPP.
 - 22. The Defendant shall not knowingly have any contact, oral, written, electronic or through a third party, with (initials only) (the victim(s) and/or the victim's immediate family) unless such contact is voluntarily initiated by the victim(s) through the Department of Corrections. Department staff may notify victims about the availability of opportunities for facilitated contact with their offenders without being considered "third parties".
 - 23. The Defendant shall attend self-help meetings at the direction of the Probation and Parole Officer.

- 24. The Defendant shall advise all medical personnel of addiction history/conviction, including all prescribed narcotics and/or medical marijuana.
- 25. The Defendant shall inform the Probation and Parole Officer of all prescriptions obtained from medical personnel. The Defendant shall take all prescription medications as prescribed and in the manner in which they were prescribed.
- 26. The Defendant shall comply with all sanctions given as a result of an intervention, on-site (preliminary), or disciplinary hearing.
- 27. The Defendant is required to disclose their conviction involving theft from an employer to any and all employers. [46-23-1004(9), MCA]
- 28. The PSI report shall be released by the Department to certain persons, such as treatment providers, mental health providers, and/or medical providers, as needed for the Defendant's treatment.

The reasons for this sentence are:

1. The deferred imposition of sentence being imposed is in accordance with the joint recommendation of the parties.
2. The Defendant shows amenability to supervision in the community.
3. The Defendant has no prior felony convictions.
4. If the Defendant complies with this sentence, he will not be a convicted felon.
5. As restitution is ordered in this case, the mandatory minimum sentence is not warranted in this matter.

DONE in Open Court this 28th day of August, 2024, and

ELECTRONICALLY SIGNED AND DATED BELOW.

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Electronically Signed By:
Hon. Judge Olivia Rieger
Tue, Sep 10 2024 07:56:57 PM

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STATEMENT OF RIGHTS

If a written judgment and an oral pronouncement of sentence or other disposition conflict, the defendant or the prosecutor in the county in which the sentence was imposed may, within 120 days after filing of the written judgment, request that the court modify the written judgment to conform to the oral pronouncement. The court shall modify the written judgment to conform to the oral pronouncement at a hearing, and the defendant must be present at the hearing unless the defendant waives the right to be present or elects to proceed pursuant to 46-18-115. The defendant and the prosecutor waive the right to request modification of the written judgment if a request for modification of the written judgment is not filed within 120 days after the filing of the written judgment in the sentencing court.

