

State of Montana, Plaintiff
vs
Larry Dolezal, Defendant

MINUTE ENTRY

This matter before the Court for jury trial. State present represented by Mark J. Murphy, Assistant Attorney General. Defendant present represented by Scott B. Spencer.

In chambers prior to trial. Discussion was held concerning newspaper coverage and 5th Amendment privileges of witnesses. Defense nor State intends to ask any questions pertaining to either. Court advises Counsel to avoid subject.

9:00 AM Court convened. Clerk calls roll of prospective jurors: Barbara Knutson, Charlene Martinez, Joan Coleman, Gordon Heeke, Betty Lou Ruckdashal, Judy Jennison, James Eggebrecht, Richard Geiger, Jerry Curtis not present, Sharon Scammon, Orville Meek, Leonard Dubuque, Teri Anderson, Michael Dimuro not present, Clyde VonBargen, Gregory Dupuis, Vivian McDonald, Monica Caye, Waldo Solonar, David Paul, Diane Michel, Alfred Salway, Justin Pulse, Mary Ann Hansen, Tracy Fawbush, Charles Cheff, Andrea Thomas Monika Kibler, Sharla Talsma, J.L. Peel, Donald Adams, Jacqueline Macy, William Coffee, Donna Perkins, Joel Gleason.
Court introduces officers and parties.
Clerk administers Oath #1.
State ready for trial.
Defense ready for trial.

Clerk seats first twenty four (24) prospective jurors. Clerk administers Oath #2.

9:08 AM State voir dres prospective jurors. Sharon Scammon #9 excused for cause replaced by #25 Andrea Thomas.

9:55 AM State passes prospective jurors for cause.

Defense voir dres prospective jurors. Teri Anderson #12 excused for cause replaced by #26 Monika Kibler.

10:10 AM Defense passes prospective jurors for cause.

Court takes 5 minute break. Jurors remain in place.

10:15 AM Court resumes.

Peremptory challenges taken six (6) each. Clerk seats chosen jurors; Barbara Knutson, Charlene Martinez, Joan Coleman, Gordon Heeke, Judy Jennison, James Eggebrecht, Andrea Thomas, Leonard Dubuque, Gregory Dupuis, Waldo Solonar, Alfred Salway, Tracy Fawbush. Counsel stipulate jurors duly seated.

Clerk administers Oath #3.

Court thanks and dismisses remaining panel.

10:30 AM Court reads preliminary instructions.

10:45 AM RECESS 11:05 AM Court reconvened with all jurors and parties present.

State makes opening statements.

11:15 AM Defense reserves opening statements until case in chief.

Cross;

State witness Craig Martin sworn and testified. Witness steps down and excused.
State witness Clarice M. Anacker sworn and testified; St. Prop. Exh 4 marked for demonstrative purposes, no obj., adm. St. Prop. Exh . 5 thru 38 marked, off., no obj., adm.

11:55 AM LUNCH Court admonishes jurors.

1:15 PM Court reconvened with all jurors and parties present.

State witness Clarice Anacker previously sworn resumes stand; direct continues;
St. Prop. Exh..11,12,13 marked, off., no obj., adm. St. Prop. Exh. 1,2,47,3 marked, off. as demonstrative, no obj., adm. St. Prop. Exh. 40 thru 55 marked, off., no obj. adm. St. Prop. Exh 56 marked, off., obj. adm.

2:05 PM Court and Counsel adjourn to chambers for point of record. Jurors remain in place.

2:10 PM Court reconvened. Direct continues; cross; redirect; recross; witness steps down. St. witness Coral Cummings sworn and testified; cross; redirect; recross; witness steps down and excused.

3:35 PM RECESS 3:55 PM Court reconvened with all jurors and parties present.

State witness Glena Young sworn and testified; cross; witness steps down and excused.
State witness Bill Bischoff sworn and testified; cross; redirect; witness steps down.
State witness Robert Denning sworn and testified; St. Prop. Exh. 57 marked, off., withdrawn; cross; redirect; witness steps down and excused.

5:07 PM Court adjourned. Court admonishes jurors.

TUESDAY MAY 18, 1999

8:48 AM In chambers with Counsel, Defendant and Rita Windom.

Rita Windom has been subpoenaed by State. If called to testify she will invoke the 5th Amendment unless granted immunity from prosecution. Discussion. State's evidence developed by prior testimony can be used by the State, not derived from testimony today. Mr. Spencer requests the Court the State be precluded from mentioning the 5th before the jury. State replies she is obviously hostile. Court rules State cannot mention immunity.

9:00 AM Court convened with all jurors and parties present.

State witness Gerald R. Criner sworn and testified; cross; redirect; witness excused.
State witness Rita Windom sworn and testified; St. Prop. Exh . 59 thru 63, marked, off., no obj., adm.; cross; redirect; St. Prop. Exh. 64 marked not offered; recross; witness steps down and excused.

10:27 AM STATE RESTS CASE IN CHIEF

RECESS

In chambers out of hearing of jurors.

Mr. Spencer moves to dismiss all counts as State has not produced any evidence.

Mr. Spencer moves for a mistrial.

Court denies motion for a mistrial.

State response on Motion to Dismiss; Defense responds.

Court cannot find any position to support State's charges in Information. Court grants Motion to Dismiss.

10:45 AM Court reconvened with all jurors and parties present.

Court advises jurors case has been dismissed with prejudice. Court thanks and dismisses jurors.

Done this 17th and 18th days of May, 1999 with the Honorable C. B. McNeil presiding.

cc: Mark J. Murphy

Scott B. Spencer

C. B. McNeil, Judge

Katherine E. Pedersen
Clerk District Court
By Dorla Overlin, Deputy

Barbara Marshall, Courtreporter