

Criminal Actions

Justice Court Processes:

Misdemeanor complaints issued by Powder River County Sheriff's Office, Montana Highway Patrol, Fish Wildlife & Parks, County Attorney, Department of Livestock and Department of Transportation.

Felony offenses-Initial Appearance and Preliminary Hearing only

Juvenile (under 18) offenses-Traffic, Fish Wildlife & Parks, Gambling & Alcohol only

Courtesy Appearances on other Jurisdiction Warrants

The following is a brief summary of the process in Justice Court for criminal actions.

ARRAIGNMENT: Once you have been issued a citation by a law enforcement agency you are given an appearance date in which you must appear in person before the Judge to enter a "not guilty" or "guilty" plea. If you have already posted a bond with the officer than it will be forfeited on the appearance date if you fail to appear and enter a plea. If you do not wish to appear in person and you do not wish to contest the citation, then simply post the required bond and do not appear on the specified date. The posted bond will then be forfeited and will be the same as a conviction on your record. If you do not appear and have not posted bond you will receive a letter from the Court requiring your appearance or posting of bond by a specific date. If you fail to appear or post bond again the Court will suspend your driver's license and issue a warrant for your arrest.

PRETRIAL CONFERENCE: If you appear and enter a "not guilty" plea the next step in the process is called a pretrial conference or an omnibus hearing. It is at this hearing that deadlines are established in the case and a trial date is set.

STATUS CONFERENCE: There are times when a status conference is necessary in the case to inform the Judge of the progress of the case, if settlement is a possibility or if the parties have reached a plea agreement.

TRIAL: The next step in the process is the trial. This can be a jury trial or a bench trial (before the Judge only), which has been previously determined at the pretrial conference. This is when both sides present their case to the judge or to the jury. Specific rules apply and must be followed during a trial. If a Defendant is representing themselves (which is called pro se) the Court will provide a handout on the proper procedure that is to be followed during a trial. Depending on the outcome of the trial, sentencing may follow immediately after the trial (if person is found guilty) or may be arranged for a later date.

If you have any further questions regarding the procedure of a case, please contact the office. PLEASE BE AWARE that the Court will not listen to your explanation of the events that occurred without having all parties present. If the Court were to do this it would be considered "ex parte" communications with the Court and is strictly prohibited. The time to explain your side of the events is at trial.

If you are interested in settlement of your case, the Court has no part of negotiation proceedings with or between the State and the Defendant. This is strictly the job of the County Attorney. If you wish to speak to the County Attorney he can be contacted at 406.436.2365, his name is Jeffrey A. Noble.