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**MONTANA THIRTEENTH JUDICIAL DISTRICT COURT, YELLOWSTONE COUNTY**

**STATE OF MONTANA**

Plaintiff,

Cause No. DC 09-0018

vs.

Judge Susan P. Watters

**LINDA KATHERINE KAPSA,**

Defendant.

**ORDER**

The Court orders that the dogs seized as evidence in this matter that are listed in Exhibits A and B will be disposed of pursuant to Section 9 of the Joint Petition for Disposal of Evidence.

The Court further orders that that chickens in the State's custody and the 2 cockatiels selected by the Defendant on July 13, 2009, be released to the Defendant's custody.

DATED this 14<sup>th</sup> day of July 2009.

  
Susan P. Watters  
DISTRICT COURT JUDGE

cc: YCAO - Ingrid A. Rosenquist  
YCAO - Mark J. Murphy  
Moira M. D'Alton  
David Duke  
Linda Kapsa  
Elizabeth Honaker

1 Mark J. Murphy  
2 CHIEF DEPUTY YELLOWSTONE COUNTY ATTORNEY  
3 Ingrid A. Rosenquist (# 09-15466)  
4 DEPUTY YELLOWSTONE COUNTY ATTORNEY  
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7 Billings, MT 59107-5025  
8 Telephone 406/256-2870  
9 Attorney for Plaintiff

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**MONTANA THIRTEENTH JUDICIAL DISTRICT COURT, YELLOWSTONE COUNTY**

STATE OF MONTANA	Plaintiff, vs. LINDA KATHERINE KAPSA, Defendant.	Cause No. DC 09-0018 Judge Susan P. Watters <b>JOINT PETITION FOR DISPOSAL OF EVIDENCE</b>
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Pursuant to Section 46-5-307, MCA and the Plea Agreement entered into by the parties in the above-entitled case, the parties jointly request that the Court enter an Order disposing of the evidence seized pursuant to lawfully obtained and executed search warrants in the above-entitled case. The parties inform the Court as follows:

1. The Petitioners are identified as the State of Montana, Plaintiff, represented by Mark J. Murphy, Chief Criminal Deputy Yellowstone county Attorney and Ingrid A. Rosenquist, Deputy County Attorney and Linda Kapsa, Defendant, represented by David Duke and Moira D`Alton of the Office of the Public Defender and Elizabeth Honaker, Attorney at Law.
2. The property at issue was seized on December 11, 2008, and December 30, 2008, by the Yellowstone County Sheriff's Office, and born in the State's custody while this case was pending.

1       3. The specific property to be disposed of is listed as Exhibits A, B and C attached to and  
2       incorporated by reference in this Petition

3       4. Exhibit A is a list of dogs seized from the Defendant's property on December 11, 2008, and  
4       December 30, 2008, that will be disposed of. Exhibit B is a list of puppies born in the  
5       State's custody that will be disposed of. Exhibit C is a list of the 20 dogs the Defendant has  
6       selected that will be put at issue during Sentencing

7       5. None of the property listed in Exhibits A, B and C constitutes contraband.

8       6. All of the property constituted evidence or the issue of the evidence in the above-entitled  
9       case.

10      7. In the case of the dogs listed in Exhibit B, those dogs may be returned to the owner, if so  
11       ordered by the Court at the time of Sentencing. The State will argue that no more than 6 of  
12       the dogs in Exhibit C be returned to the owner, and those animals be spayed and neutered.  
13       The parties agree that any dogs not returned to the owner at Sentencing be disposed of in  
14       Order issued pursuant to this Petition and in accordance with Section 9.

15      8. The criminal case has been settled pursuant to a plea agreement which specifically provides  
16       for this Petition. No appeals are pending. A copy of the Plea Agreement is attached as  
17       Exhibit D.

18      9. It is the Petitioner's intent that dogs in Exhibit A and B will be spayed and neutered, then  
19       released immediately or as soon as practical to an appropriate animal rescue organization for  
20       adoption by suitable homes with the volunteers who have provide care for the dogs for the  
21       last seven months, receiving a preference to adopt the dogs.

22      10. The Petitioners waive hearing.

23      Mark J. Murphy  
24      Mark J. Murphy  
25      Chief Deputy County Attorney

26      7/14/09  
27      Dated