

CLERK OF THE
DISTRICT COURT
JULIA MUESSIG

2009 JUL 15 PM 12 03

FILED

BY _____
DEPUTY

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

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 14th day of July 2009.


DISTRICT COURT JUDGE

cc: YCAO - Ingrid A. Rosenquist
YCAO - Mark J. Murphy
Moiria 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
5 P.O. Box 35025
6 Room 701, Courthouse
7 Billings, MT 59107-5025
8 Telephone 406/256-2870
9 Attorney for Plaintiff

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12 LINDA KATHERINE KAPSA,

13 Defendant.

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14 JOINT PETITION FOR DISPOSAL OF
15 EVIDENCE

16 Pursuant to Section 46-5-307, MCA and the Plea Agreement entered into by the parties in
17 the above-entitled case, the parties jointly request that the Court enter an Order disposing of the
18 evidence seized pursuant to lawfully obtained and executed search warrants in the above-entitled
19 case. The parties inform the Court as follows:

- 20 1. The Petitioners are identified as the State of Montana, Plaintiff, represented by Mark J.
21 Murphy, Chief Criminal Deputy Yellowstone county Attorney and Ingrid A. Rosenquist,
22 Deputy County Attorney and Linda Kapsa, Defendant, represented by David Duke and
23 Moira D`Alton of the Office of the Public Defender and Elizabeth Honaker, Attorney at
24 Law.
- 25 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

7/14/09
Dated