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MONTANA FOURTH JUDICIAL DISTRICT COURT, MISSOULA COUNTY

STATE OF MONTANA,  Plaintiff,  -vs-  JUSTIN FLOYD STROUP,  Defendant.
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Department No.  
Cause No. DC-24-575

**MOTION TO STRIKE FOR  
VIOLATION OF LOCAL RULE  
3(G)**

COMES NOW JUSTIN EKWALL, Deputy County Attorney of Missoula County, and respectfully moves the Court to strike Defendant Justin Stroup’s Motion to Dismiss (filed Feb. 9, 2026, dock. # 35) without requiring a response due to violations of Local Rule 3(G).

That rule requires that parties using generative artificial intelligence in a “document filed with the court must disclose the use...the specific tool the party used; how the party used the tool in preparing the relevant document; and that the party certifies that they have checked the accuracy of any portion of the document drafted or assisted by the tool.” Fourth Jud. Dist. Local R.

1 3(G)(1).<sup>1</sup> The rule specifically provides that dismissal of the document without  
2 prejudice is an available sanction. Fourth Jud. Dist. Local R. 3(G)(3).  
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4 The document does not include a generative artificial intelligence  
5 disclosure as required. However, page 7 begins as follows: “Below is concise  
6 motion language you can drop into a ‘Motion to Admit Mental-Disease  
7 Evidence and for Related Instructions’ keyed to 45-6-204, 45-6-201, and 46-  
8 14-102. Adjust headings/captions to your local practice.” Page 10 states  
9 “Below is a full motion you can paste into your pleading, then adjust names,  
10 dates, and styles to fit local practice.” These pages also include several  
11 apparent hyperlinks to “ppl-ai-file-upload.s3.amazonaws,” “ppl-ai-file-  
12 upload.s3.amazonaws+1,” and others. The document includes what appears  
13 to be an attempt at a second case caption on page 12. It is not plausible on its  
14 face that any source other than generative AI would have created such  
15 language for a filed version of a brief.  
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20 The State’s position is that this District’s local rule serves important  
21 purposes and is not merely an example of the legal profession’s tendency to  
22 at times be technology adverse. The rule does not bar the use of generative  
23 artificial intelligence, but instead imposes reasonable requirements, tailored  
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26 <sup>1</sup> Available at <https://www.missoulacounty.gov/media/gsrfoswi/rules-of-practice-forms-and-order-mt-fourth-judicial-district-10-31-2025.pdf>.

1 towards valid concerns, and reasonable sanctions.

2       Such concerns are especially evident here. In most cases, generative AI  
3 programs involve uploading relevant information to a server which, depending  
4 on the service and product used, has varying levels of security. In almost any  
5 criminal case, this will involve uploading confidential criminal justice  
6 information. In this particular case, it also appears from the document that  
7 Stroup's mental health evaluations have been uploaded to an Amazon server.  
8 See e.g. pg. 14, ¶ 11, pg. 15, ¶¶ 13-15. The State does not necessarily take  
9 the position that providing such documents to an artificial intelligence program  
10 can never be appropriate where safeguards are in place; however, absent  
11 knowledge of the specific tool used, it is difficult to have confidence that such  
12 information is secure.  
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17       Certification of how the tool was used, and that it has been checked for  
18 accuracy, is equally important. Given that pages 7-19 do not appear to have  
19 been proofread for formatting errors, one cannot simply assume that they  
20 have been checked for accuracy. While writings from attorneys do at times  
21 include errors of fact or law, AI in its present state runs a higher risk of  
22 including outright fabrication. For example, the document here references Dr.  
23 Day and Dr. Edwards having made findings regarding Stroup's mental state  
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1 “around the time of the alleged conduct” when Dr. Day made no such finding  
2 and Dr. Edwards specifically declined to do so. (Dock. # 29, filed under seal  
3 Dec. 12, 2025, pgs. 12 & 14 (of PDF file; pgs. 11 & 13 of evaluation)).  
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5 While generative AI can be a useful tool for some purposes and may  
6 have greater application in the future, when used improperly, and without  
7 meaningful review, it can ultimately damage both the perception and the  
8 reality of the profession. One assumes that Mr. Stroup has had, or will at some  
9 point have, an opportunity to review the filing made on his behalf. What  
10 impression could a review of pgs. 12-19 leave upon a defendant who  
11 struggles with paranoia and delusional thinking? While AI could theoretically  
12 one day become a replacement for portions of staff of experienced attorneys,  
13 it is readily apparent that this day has not yet arrived.  
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17 The State requests an order from the court striking docket #35 without  
18 prejudice to raising the issues therein in a future properly filed motion. The  
19 State also requests an order requiring defense counsel to describe what other  
20 filings, if any, have been created using generative artificial intelligence since  
21 the local rule was adopted on October 31, 2025, what tool or tools were used  
22 in those cases and how, and certifying that any artificially generated portions  
23 of those documents have been checked for accuracy, or if not, when this is  
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1 expected to occur.

2 DATED this 17th day of February, 2026.

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4 /s/ Justin Ekwall \_\_\_\_\_  
5 JUSTIN EKWALL  
6 Deputy County Attorney  
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## **CERTIFICATE OF SERVICE**

I, Justin Raymond Ekwall, hereby certify that I have served true and accurate copies of the foregoing Motion - Motion to Strike to the following on 02-17-2026:

Monica Tranel (Attorney)  
610 WOODY ST  
MISSOULA MT 59802-4138  
Representing: Justin Floyd Stroup  
Service Method: eService

Electronically signed by Nichole Kercher on behalf of Justin Raymond Ekwall  
Dated: 02-17-2026