

HON. HOWARD F. RECHT
 District Judge, Department No. 1
 Twenty-first Judicial District
 Ravalli County Courthouse
 205 Bedford Street, Suite A
 Hamilton, MT 59840-2853
 Telephone: (406) 802-7188

FILED
 PAIGE TRAUTWEIN, CLERK

JUL 02 2019

Paige T. Lees
 DEPUTY

MONTANA TWENTY-FIRST JUDICIAL DISTRICT COURT, RAVALLI COUNTY

STATE OF MONTANA,)	Cause No. DC-12-127 / 269
)	
Plaintiff,)	Department No. 1
)	HOWARD F. RECHT
-vs-)	ORDER
JOSEPH EDWARD LAWRENCE,)	
)	
Defendant.)	

This matter comes before the Court upon Defendant's pro se *Motion to Compel for Production of Public Records, Documents, Records, Information, Reports, and Evidence* filed on June 25, 2019. Defendant has also filed a supporting memorandum of law. Defendant attaches no certificate of service showing he served Plaintiff State of Montana ("State") with these filings; presumably, he did not serve the State as he was required to do.

Defendant seeks an order compelling numerous entities, including the Montana Supreme Court, the Montana Judicial Standards Commission, the Montana Attorney General's Office, the Federal Bureau of Investigation, the Drug Enforcement Agency, and the U.S. Department of Justice, to produce information and documents related to any complaints, criminal acts, official

ORDER

misconduct, ethical violations, investigations, and sanctions involving former Twenty-first Judicial District Court Judges Jeffrey H. Langton and James A. Haynes and Ravalli County Attorney Bill Fulbright. (Judge Haynes, followed by Judge Langton, presided over the underlying criminal case in this matter, and Mr. Fulbright was the prosecutor in the underlying criminal case. Both judges have since retired from the bench.)

The basis for Defendant's motion is "numerous apparently factually supported allegations of judicial misconduct, bias, prejudice, partiality, and alleged criminal activity corresponding with the recent [retirements of Judges] Jeffrey H. Langton and James A. Haynes," and "seemingly factually supported allegations of Prosecutorial misconduct and/or criminal acts by the Ravalli County Prosecutor." *Mot. to Compel*, 1. Defendant references "numerous media reported articles stating claims and allegations of both civil and criminal wrongdoing and misconduct" by these three officials; however, Defendant does not specify any such allegations, indicate the source of such purported allegations, or attach any media articles in support. *Id.*, 6.

Defendant appears to take issue with the fact that Judges Langton and Haynes retired during their six-year terms instead of at the end of their terms. He contends this timing "rais[es] red flags" regarding the reasons for their retirement and probably signals "cover-up, improprieties and public deceptions [sic]." *Id.* Defendant contends he is "proceeding in the interests of public safety and security" and relies on Article II, Section 9, of the Montana Constitution, and § 2-6-1006, MCA, as legal authority for his motion. *Id.*, 1.

Defendant has no outstanding claim in this case on which to base a motion to compel, nor does he explain how his motion has any bearing upon the underlying criminal proceeding which concluded with Defendant's sentencing on June 28, 2017, after Defendant had entered *Alford*

pleas pursuant to a plea agreement to charges of sexual offenses perpetrated upon adolescent boys. As part of his plea agreement, Defendant waived his right to appeal or otherwise challenge his conviction by direct appeal, habeas corpus, or postconviction relief. *Plea Agreement* (2017) at 1 (Apr. 28, 2019). “[W]here a defendant voluntarily and knowingly pleads guilty to an offense, the plea constitutes a waiver of all non-jurisdictional defects and defenses, including claims of constitutional rights violations which occurred prior to the plea.” *State v. Watts*, 2016 MT 331, ¶ 9, 386 Mont. 8, 385 P.3d 960.

Defendant’s motion to compel appears to be a fishing expedition for unspecified and apparently nonexistent information about Judges Haynes and Langton and Prosecutor Fulbright in reliance on “apparent” and “seemingly factually supported” allegations of misconduct. Defendant’s motion, which lacks any factual or legal basis, is without merit.

Accordingly:

IT IS HEREBY ORDERED that Defendant’s *Motion to Compel for Production of Public Records, Documents, Records, Information, Reports, and Evidence* is DENIED.

DATED this 2 day of July, 2019.


HON. HOWARD F. RECHT, District Judge

cc: Joseph Edward Lawrence, pro se
 Ravalli County Attorney

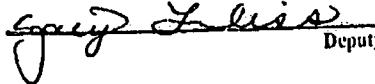
I certify that I forwarded copies of
 this instrument to counsel of record by email
on 07-02-19 & via U.S. Mail
on 07-02-19

ORDER
 APPENDIX A

Paige Trautwein, Clerk

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 Deputy

OPINION**FILED**

03/31/2020

Bowen Greenwood
CLERK OF THE SUPREME COURT
STATE OF MONTANA

Case Number: DA 19-0431

IN THE SUPREME COURT OF THE STATE OF MONTANA

DA 19-0431

FILED

STATE OF MONTANA,

MAR 31 2020

Plaintiff and Appellee,

Bowen Greenwood
Clerk of Supreme Court
State of Montana

v.

ORDER

JOSEPH E. LAWRENCE,

Defendant and Appellant.

The State of Montana moves for dismissal of this appeal. Self-represented Appellant Joseph E. Lawrence has filed a response in opposition.

In April 2017, Lawrence entered *Alford* (*N.C. v. Alford*, 400 U.S. 25, 91 S. Ct. 160 (1970)) pleas to felony sexual assault and felony solicitation for sexual assault in April 2017. On June 28, 2017, the Twenty-First Judicial District Court, Ravalli County, imposed a twenty-year sentence with ten years suspended and gave Lawrence credit for 1,103 days of time served. He did not appeal his 2017 convictions, but sought habeas corpus relief. This Court denied Lawrence relief in an Opinion and Order issued March 26, 2019. *Lawrence v. Guyer*, No. OP 18-0440, 2019 MT 74, 395 Mont. 222, 440 P.3d 1. This Court held that “Lawrence’s *Alford* pleas were guilty pleas, not nolo contendere pleas, and that § 46-12-204(4), MCA, did not prohibit the District Court from accepting the *Alford* pleas to the sexual offenses.” *Lawrence*, ¶ 10.

On June 25, 2019, Lawrence filed a post judgment motion to compel production in his underlying criminal proceeding involving the two sexual offenses for which he was convicted. In denying Lawrence’s motion to compel, the District Court summarized Lawrence’s motion as seeking information related to misconduct involving former Twenty-First Judicial District Court Judges Jeffrey H. Langton and James A. Haynes, as well as Ravalli County Attorney Bill Fulbright. The District Court concluded that

EXHIBIT FFFFF-2

Lawrence waived his right to make these challenges when Lawrence pleaded guilty nearly two years earlier. We agree.

Section 46-20-104(1), MCA, provides: "An appeal may be taken by the defendant only from a final judgment of conviction and order after judgment which affect the substantial rights of the defendant." Lawrence is appealing an order issued after judgment. His case was completed in District Court and this Court denied Lawrence habeas corpus relief. Lawrence has failed to show that the denial of his motion to compel affects his substantial rights; Lawrence pleaded guilty, did not preserve or raise this issue prior to entering his guilty plea, and did not appeal his convictions. We have determined that this appeal is improper and that its dismissal is warranted. Accordingly,

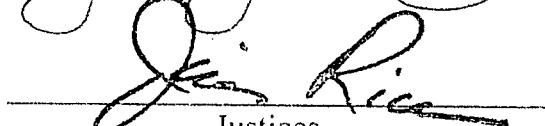
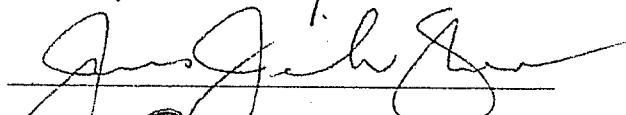
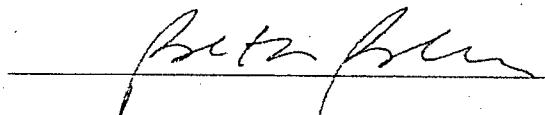
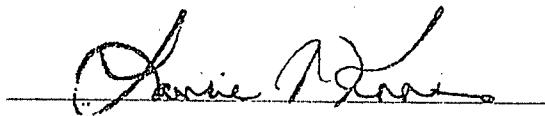
IT IS ORDERED that the State's Motion to Dismiss is GRANTED and this appeal is DISMISSED with prejudice.

The Clerk of the Supreme Court is directed to provide a copy of this Order to counsel of record and to Joseph E. Lawrence personally.

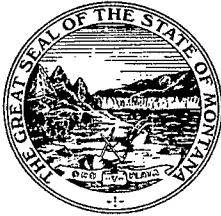
DATED this 31 day of March, 2020.



Chief Justice



Justices



Bowen Greenwood
CLERK

State of Montana
Office of Clerk of the Supreme Court
P.O. Box 203003
Helena, MT 59620-3003
406-444-3858 phone
406-444-5705 fax

13 April 2020

JOSEPH LAWRENCE
3014255
MONTANA STATE PRISON
700 CONLEY LAKE ROAD
DEER LODGE, MT 59722

Dear Mr. Lawrence:

This office received your document entitled "Appellant's Objection and Response." The document references Docket Number DA 19-0431. That case is closed. Your document is being returned.

Sincerely,

A handwritten signature in black ink, appearing to read "BOWEN GREENWOOD".

BOWEN GREENWOOD
Clerk of the Supreme Court

Enc.

APPENDIX C

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**Additional material
from this filing is
available in the
Clerk's Office.**