

Statement From:

Carol Muessig
Clerk of District Court
Yellowstone County
P.O. Box 35030
Billings, MT 59107

DATE: October 31, 2012

TO: Pete Thomson
ADDRESS: Email principlemanufacturing@gmail.com

CAUSE # DC 73-8848, DC 73-8986, DC 74-9360

CASE NAME: Russell Eugene Plum

Amount/Cost	Description	Total Cost
14	DC 73-8848 Copies (\$1.00/pg. to 10, \$.50/pg over 10)	\$12.00
16	DC 73-8986 Copies (\$1.00/pg. to 10, \$.50/pg over 10)	\$13.00
4	DC 73-9360 Copies (\$1.00/pg. to 10, \$.50/pg over 10)	\$4.00
	Total Amount Due	\$29.00

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Please pay this amount promptly. If we do not receive prompt payment, we may require your agency to provide payment in advance for any requests made. Under Montana statute, government agencies are not exempt from certain fees, including searches and photocopies. §25-10-405, M.C.A.

Thank you,

*Kristin A. Goers,
Deputy Clerk*

CLERK OF THE
DISTRICT COURT
HARDIN E. TODD

FEB 16 10 41 AM '73

FILED
BY *Joseph P. Akstin*
DEPUTY

IN THE DISTRICT COURT

Of the Thirteenth Judicial District of the State of Montana,
In and for the County of Yellowstone

THE STATE OF MONTANA, Plaintiff,

vs.

RUSSELL E. PLUM,

MOTION

8848 ①

Defendant.....

Comes now HAROLD F. HANSER, County Attorneyin and for Yellowstone County, Montana, and moves this Honorable Court that he be granted leave
to file herein an information, charging the above named Defendant....., RUSSELL E. PLUMCOUNT I: GRAND LARCENY
with the crime of COUNT II: RECEIVING STOLEN PROPERTY....., committed
at Yellowstone County, Montana, on or about the 28th day of JUNE, 1972.This motion is based upon the affidavit of HAROLD F. HANSER hereto annexed.*Harold F. Hanser*
County Attorney in and for Yellowstone County,
Montana.

STATE OF MONTANA,

ss.

County of Yellowstone.

HAROLD F. HANSER

, being first duly sworn, on oath

deposes and says:

That he is the duly elected, qualified and acting County Attorney of Yellowstone County, Mon-
tana, and that as such County Attorney he makes and files the foregoing motion and this affidavit:That he has in his possession evidence which, in his opinion, is competent and sufficient to
warrant the prosecution and secure the conviction of the above named Defendant.....,

RUSSELL E. PLUM

COUNT I: GRAND LARCENY
for the crime of COUNT II: RECEIVING STOLEN PROPERTY....., committed at
Yellowstone County, Montana, on or about the 28th day of JUNE, 1972.That he has made a full and careful investigation of all the facts and circumstances surround-
ing the commission of said offense, so far as they are known or ascertainable; that he verily believes
it a proper case for the filing of an information, and that for this reason, and none other, the fore-
going motion is made.That the said Defendant....., RUSSELL E. PLUM is now in custody.Subscribed and sworn to before me this 16th day of FEBRUARY, 1972.

HARDIN E. TODD

Clerk Thirteenth Judicial District Court, Yellow-
stone County, Montana,By *Joseph P. Akstin*
Deputy ClerkLeave to file Information
by the Court granted.

JUDGE.

Bail fixed at \$ 1000

WHEREFORE the affiant has made a full and careful investigation of all the facts and circumstances surrounding the commission of said offense, so far as they are known or ascertainable; that he verily believes it a proper case for the filing of an information, and that for this reason, and none other, the foregoing affidavit is made.

Ernest J. Boschert

Subscribed and sworn to before me this 16th day of FEBRUARY
19 73.

Mary Bond

Notary Public for the State of
Montana. Residing at Billings,
Montana. My Commission expires
August 17, 1974.

FEB 16 10 41 AM '73

FILED
BY Joseph P. Akstin
DEPUTY

IN THE DISTRICT COURT OF THE THIRTEENTH
JUDICIAL DISTRICT OF THE STATE OF MONTANA
IN AND FOR THE COUNTY OF YELLOWSTONE

THE STATE OF MONTANA,

Plaintiff

-vs-

RUSSELL E. PLUM,

Defendant.

(2)
No. 8848

AFFIDAVIT IN SUPPORT
OF INFORMATION

Comes now ERNEST F. BOSCHERT Deputy County Attorney

In and For the County of Yellowstone, State of Montana, and on
oath, deposes and says:

That he is the Duly appointed and qualified Deputy County
Attorney in and for the County of Yellowstone, State of Montana.

That he has information and verily believes that
RUSSELL E. PLUM committed the crime of COUNT I: GRAND LARCENY;
COUNT II: RECEIVING STOLEN PROPERTY

On June 29, 1972, Jack Wilkinson reported to the Billings Police Department
that his 1971 Honda Motorcycle, 1971 Montana License No. 22 NC 143, had been
stolen from his home at 18 North 35th Street, Billings, Montana, on the previous
night.

On January 22, 1973, the Roundup Police reported they had arrested the
defendant on another charge and he was riding the stolen motorcycle at the time.
The defendant advised the Roundup police that he had bought the motorcycle from a
friend in Billings by the name of Donald DeVore. DeVore has made written statement
that he did not sell the motorcycle to the defendant but that he saw it in the
defendant's possession in August, and that the defendant told him that he stole
it.

INFORMATION

IN THE DISTRICT COURT

Of the Thirteenth Judicial District
of the State of Montana
In and for the County of Yellowstone

THE STATE OF MONTANA,

Plaintiff,

vs.

RUSSELL E. PLUM,

Defendant....

CLERK OF THE
DISTRICT COURT
HARDIN E. TODD

FEB 16 11 41 AM '73

③ FILED
BY *Joseph P. Haner*
8848 DEPUTY
No.....

In the District Court of the Thirteenth Judicial District of the State of Montana,
in and for the County of Yellowstone, on the 16th day of FEBRUARY A. D.
19 73, comes HAROLD F. HANSER County Attorney of said county, and here in
said District Court, upon his official oath and in the name and by the authority of the
State of Montana, informs the Court: That one RUSSELL E. PLUM

late of the County of Yellowstone, State of Montana, on or about the 28th day
of JUNE A. D. 19 72, at the County of Yellowstone and State of Mon-

tana, committed the crime of GRAND LARCENY, in that the said RUSSELL E. PLUM,
then and there being, then and there did wilfully, wrongfully, unlawfully and
feloniously take, steal, and carry or drive away, a 1971 Honda Motorcycle, orange
color, fenders scraped, 1971 Montana License No. 3-MC-143, Serial No. 2 014 601, of
of the value of Three Hundred and Fifty Dollars (\$350.00), then and there the
property of one Jack Wilkinson, with the intent then and there in him, the said
RUSSELL E. PLUM, to deprive the true owner of the said property and to appropriate
the same to his own use; contrary to the form, force and effect of Section
94-2704, Revised Codes of Montana 1947, and against the peace and dignity of the
State of Montana.

COUNT II: That one RUSSELL E. PLUM, late of the County of Yellowstone, State of
Montana, on or about the 28th day of June, A.D., 1972, at the County of Yellow-
stone and State of Montana, committed the crime of RECEIVING STOLEN PROPERTY, in
that the said RUSSELL E. PLUM, then and there being, then and there did wilfully,
wrongfully, unlawfully and feloniously, and for his own gain, and to prevent the
owner from again possession his own property, receive from one JOHN DOE, a
1971 Honda Motorcycle, orange color, fenders scraped, Serial No. 2 014 601, with
1971 Montana License No. 3-MC-143, then and there the property of Jack Wilkinson,
of Billings, Montana, said above-described motorcycle then and there being stolen
property, and the said RUSSELL E. PLUM then and there knowing the same to have
been stolen property; contrary to the form, force and effect of Section 94-2721,
Revised Codes of Montana 1947, and against the peace and dignity of the State of
Montana.

Harold F. Haner
County Attorney In and For
The County of Yellowstone,
State of Montana.

CLERK OF THE
DISTRICT COURT
HARDEN E. TODD

MAR 19 4 30 PM '73

FILED
BY *Joseph P. Akstin*
DEPUTY

No. 8848

(12)

IN THE DISTRICT COURT OF THE THIRTEENTH
JUDICIAL DISTRICT OF THE STATE OF MONTANA
IN AND FOR THE COUNTY OF YELLOWSTONE

THE STATE OF MONTANA,
Plaintiff,

-vs-

RUSSELL E. PLUM,

Defendant,

: : : : :)

ORDER STAYING IMPOSITION
OF SENTENCE

WHEREAS the defendant heretofore entered His plea of
guilty to the crime of RECEIVING STOLEN PROPERTY

 as charged in the information on file in said case,
and this being the date set for pronouncement of judgement, and the
defendant having made application to the Court to be admitted to
probation; and

WHEREAS it appears that said defendant has not heretofore been
convicted of crime, either in this state or elsewhere; and

WHEREAS it appears to the Court that the character of the
defendant and the circumstances of the case are such that he is not
likely again to engaged in an offensive course of conduct and that the
public safety does not demand or require that the sentence shall be
imposed at this time,

NOW, THEREFORE, IT IS ORDERED, that the imposition of sentence
upon said defendant be stayed for a period of Two (2) Years

and said defendant is hereby placed on probation for said period and
the Court retains jurisdiction of said defendant in the above en-
titled cause, and does hereby direct that said defendant be and
appear before this Court on the 19th day of MARCH,
1975, at 10:00 o'clock A.M., and that the imposition of sentence
herein be stayed until that date.

IT IS FURTHER ORDERED that until the said 19th day of
MARCH, 1975, the defendant is admitted to
probation upon the following terms and conditions;

MF 59 FR 1868

1. The defendant shall not frequent any place where intoxicating liquor or beer is sold nor shall he use intoxicants or beer; nor shall he use any narcotic or dangerous drugs or have in h is possession same without proper prescription by a doctor.

2. The defendant shall not enter into any game of chance nor shall he frequent any place where gambling may be taking place;

3. The defendant shall conduct him self in a law abiding manner and shall not violate any law of the United States or of the State of Montana or the ordinance of any city or town during said term;

4. The defendant shall maintain as steady employment as possible during said term, and he shall, to the best of h is ability, fully and completely contribute to the support of his wife and family;

5. The defendant shall not leave the confines of the State of Montana either to seek employment or for any other reason, without having first obtained permission of this Court so to do, except in connection with such duties as he may have with the armed forces of the United States;

6. The defendant is placed under the supervision and control of the State Board of Pardons, and is to abide by their rules and regulations;

7. The defendant shall refrain from any association with or social involvement with any person with a criminal record or any person using dangerous drugs. In addition, the defendant shall refrain from association with or social acquaintance with those persons with whom he was involved at the time of the commission of the criminal offense charged resulting in this judgment.

8. The defendant hereby consents to the reasonable search of his person, premises or any automobile by any peace officer or parole officer.

Dated this 19th day of March, 1973.

MF 59 FR 1869

Charles L. Swadlow
Judge.

ACKNOWLEDGMENT OF ACCEPTANCE OF TERMS AND CONDITIONS
STAYING IMPOSITION OF SENTENCE

The undersigned defendant does hereby accept the foregoing terms of probation, and does hereby acknowledge that the staying of imposition of sentence was made pursuant to application by him. Said defendant further understands and agrees that he is and shall remain under the legal custody and jurisdiction of the above entitled Court during the period of such probation. The conditions of said probation have been read by the undersigned and are fully understood, and the undersigned does hereby covenant that he will strictly carry out and follow the terms of said probation.

Dated this 19th day of MARCH, 1973.


RUSSELL E. PLUM

MF 59 FR 1870

IN THE DISTRICT COURT OF THE THIRTEENTH
JUDICIAL DISTRICT OF THE STATE OF MONTANA
IN AND FOR THE COUNTY OF YELLOWSTONE

CLERK OF THE
DISTRICT COURT
MONTANA

AUG 30 9 42 AM '73

FILED
BY *Joseph M. Abertoni*
DEPUTY

THE STATE OF MONTANA,

Plaintiff,

-vs-

RUSSELL E. PLUM,

Defendant.)

No. 8848

PETITION FOR REVOCATION OF
ORDER STAYING IMPOSITION
OF SENTENCE

Comes now HAROLD F. HANSER County Attorney of
Yellowstone County, and upon his official oath, and in the name and
by the authority of the State of Montana, petitions the above entitled
Court to revoke its order staying imposition of sentence upon the
above-named defendant who was adjudged guilty of the crime of
RECEIVING STOLEN PROPERTY and to impose sentence at
this time.

This petition is based upon the failure of the above-named
defendant to obey the conditions and terms of the Court's order
staying imposition of sentence in the following particulars:

That on the 25th day of July, 1973, RUSSELL E. PLUM was charged
in the District Court with the crime of forgery having been committed
on the 10th day of July, 1973.

WHEREFORE, your petitioner prays that the Order Staying
Imposition of Sentence be revoked and that sentence be imposed
upon said defendant.

Dated this 30th day of AUGUST, 1973.

Harold F. Hanser
County Attorney
In and For the County of Yellowstone,
State of Montana

IN THE DISTRICT COURT OF THE THIRTEENTH
JUDICIAL DISTRICT OF THE STATE OF MONTANA
IN AND FOR THE COUNTY OF YELLOWSTONE

CLERK OF THE
DISTRICT COURT
HARDIE E. TODD

OCT 16 9 55 AM '73

FILED
BY *Harry H. Reed*
No. 8848 DEPUTY

THE STATE OF MONTANA,

Plaintiff,

-vs-

RUSSELL E. PLUM

Defendant,

ORDER STAYING IMPOSITION
OF SENTENCE

(24)

: : : : :)

WHEREAS the defendant heretofore entered H is plea of
guilty to the crime of GRAND LARCENY (FELONY)

 as charged in the information on file in said case,
and this being the date set for pronouncement of judgement, and the
defendant having made application to the Court to be admitted to
probation; and

WHEREAS it appears that said defendant has not heretofore been
convicted of crime, either in this state or elsewhere; and

WHEREAS it appears to the Court that the character of the
defendant and the circumstances of the case are such that he is not
likely again to engaged in an offensive course of conduct and that the
public safety does not demand or require that the sentence shall be
imposed at this time,

NOW, THEREFORE, IT IS ORDERED, that the imposition of sentence
upon said defendant be stayed for a period of Three (3) years
to run concurrent with Cause No. 8986
and said defendant is hereby placed on probation for said period and
the Court retains jurisdiction of said defendant in the above en-
titled cause, and does hereby direct that said defendant be and
appear before this Court on the 15th day of October,
197 6, at 10:00 o'clock A.M., and that the imposition of sentence
herein be stayed until that date.

IT IS FURTHER ORDERED that until the said 15th day of
October, 197 6, the defendant is admitted to
probation upon the following terms and conditions;

1. The defendant shall not frequent any place where intoxicating liquor or beer is sold nor shall he use intoxicants or beer; nor shall he use any narcotic or dangerous drugs or have in h_is possession same without proper prescription by a doctor.

2. The defendant shall not enter into any game of chance nor shall he frequent any place where gambling may be taking place;

3. The defendant shall conduct himself in a law abiding manner and shall not violate any law of the United States or of the State of Montana or the ordinance of any city or town during said term;

4. The defendant shall maintain as steady employment as possible during said term, and he shall, to the best of h_is ability, fully and completely contribute to the support of his wife and family;

5. The defendant shall not leave the confines of the State of Montana either to seek employment or for any other reason, without having first obtained permission of this Court so to do, except in connection with such duties as he may have with the armed forces of the United States;

6. The defendant is placed under the supervision and control of the State Board of Pardons, and is to abide by their rules and regulations;

7. The defendant shall refrain from any association with or social involvement with any person with a criminal record or any person using dangerous drugs. In addition, the defendant shall refrain from association with or social acquaintance with those persons with whom he was involved at the time of the commission of the criminal offense charged resulting in this judgment.

8. The defendant hereby consents to the reasonable search of his person, premises, or any automobile whenever requested to do so by the Probation Officer or any other law enforcement officer, with or without a warrant.

1 9. The defendant is to spend six (6) months in the Yellowstone
2 County Jail with credit for time served from July 20, 1973 to October
3 15, 1973.

4 
5 JUDGE

STATE OF MONTANA
BOARD OF PARDONS
DIVISION OF PROBATION AND PAROLE

CLERK OF THE
DISTRICT COURT
MONTANA

Report of Violation

AUG 01

#848 (35)

Date July 31, 1974

FILED BY Joseph P. Alkett

To Director of Probation and Parole

Name PLUM, Russell E. No.

Home Address 814 South 30th City Billings

On March 19, 1973, the subject appeared before Judge Charles Luedke and entered a plea of guilty to the charge of Receiving Stolen Property. It was ordered by the court that imposition of sentence be deferred for a period of two (2) years.

On March 19, 1973, the subject was signed to probation and the rules of probation were explained to him. He also signed a copy of said rules.

On October 1, 1973, the subject was returned to court for violation of his probation. The subject appeared before Judge Charles Luedke and entered a plea of guilty to the charge of violating the rules of probation. It was ordered by the court that the two (2) years deferred imposition of sentence for Receiving Stolen Property be extended from two (2) years to three (3) years deferred imposition.

On October 15, 1973, the subject appeared before Judge Charles Luedke and entered a plea of guilty to the charge of Forgery. It was ordered by the court that imposition in this matter also be deferred for a period of three (3) years to run concurrent with the three (3) years deferred imposition for Receiving Stolen Property. It was further ordered by the court that the subject be incarcerated in the Yellowstone County Jail for a period of six (6) months in connection with the Forgery charge.

On January 19, 1974, the subject was released from the Yellowstone County Jail. Shortly after his release from jail, he secured employment with P.D.Q. Transfer Company in Billings. The subject worked for P.D.Q. Transfer Company for about five months and then quit. Since the above date, the following violations have been noted by this officer.

VIOLATIONS:

State Rule #1. The probationer shall respect and obey the law and at all times be a good citizen.

On July 24, 1974, Adams Truck Stop was burglarized by Gerald Burton, Michael Mann, and the subject. On July 29, 1974, the Poly Conoco Service Station was burglarized by Gerald Burton, Michael Mann, and the subject. The subject gave a volunteer statement to officer admitting his involvement in both of the above burglaries. Also, when the house at 814 South 30th, where Gerald Burton, Michael Mann, and the subject were living was searched, officers found items that were taken from both Adams Truck Stop and Poly Conoco Service Station.

State Rule #6. The probationer shall not drink to excess beer or intoxicating liquors.

Subject gave a volunteer statement and stated that at the time he committed the crimes he was intoxicated.


SUMMARY OF ADJUSTMENT:

I would rate the subject's adjustment as unsatisfactory. He has an irresponsible attitude and very little regard for the law,

RECOMMENDATION:

It is the recommendation of this officer that the subject be returned to court for further action. If the court finds that the subject has violated his probation, I would further recommend that the subject be sent to the Montana State Prison.

Respectfully submitted,


Michael J. Schmaing
Parole & Probation Officer
Billings, Montana

State Witnesses:

Michael J. Schmaing, Parole & Probation Officer, 1245 No. 29th, Billings, Montana.
Detective Rick Ross, C.C.D., Billings Police Department, Billings, Montana.
Detective O'Brien, C.C.D., Billings Police Department, Billings, Montana.
Detective Mocabee, Billings Police Department, Billings, Montana.
Lt. Dell, C.C.D., Billings Police Department, Billings, Montana.

Dist. of Copies:

District Judge
County Attorney
Defense Attorney
Board of Pardons
File

IN THE DISTRICT COURT

Of the Thirteenth Judicial District of the State of Montana
In and for the County of Yellowstone

CLERK OF THE
DISTRICT COURT
YELLOWSTONE
1974 AUG 26 PM 3:42
FILED
BY *Barry H. Lee*
DEPUTY

~~XXXXXXXX~~

AUGUST 26

, A. D. 1974

Present, Hon. CHARLES LUEDKE, Judge.

The State of Montana,

Plaintiff,

No. 8848

vs.

RUSSELL E. PLUM,

Convicted of RECEIVING STOLEN PROPERTY

Defendant.

The County Attorney, with the Defendant, RUSSELL E. PLUM, and his counsel JOHN L. ADAMS, JR., Esq., came into court. The defendant was duly informed by the Court of the nature of the information found against him for the crime of RECEIVING STOLEN PROPERTY

committed on the 28th day of JUNE, A. D. 1972; of his arraignment and plea of "Guilty of the crime of RECEIVING STOLEN PROPERTY

on the 19th day of March, A.D., 1973. The defendant was then asked if he had any legal cause to show why judgment should not be pronounced against him, which he replied that he had none. And no sufficient cause being shown or appearing to the Court, thereupon the Court renders its Judgment. That, whereas the said RUSSELL E. PLUM has been duly convicted in this Court of the crime of RECEIVING STOLEN PROPERTY

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED, That the said RUSSELL E. PLUM be punished by imprisonment at hard labor in the State

Prison of the State of Montana, at Deer Lodge, Montana, for the term of Five (5) Years, said sentence to be served concurrently with the sentence received in criminal cause No. 8986. The Court finds that prior to the date hereof the defendant has been incarcerated in the Yellowstone County Jail from Feb. 13 through Feb. 21, 1973, from July 20, 1973 through January 19, 1974, and from August 5, 1974 through August 26, 1974.

Done in open Court this 26th day of AUGUST, 19 1974

Charles Luedke
Judge.

IN THE DISTRICT COURT OF THE THIRTEENTH
JUDICIAL DISTRICT OF THE STATE OF MONTANA,
IN AND FOR THE COUNTY OF YELLOWSTONE
THE STATE OF MONTANA,

Plaintiff,

-vs-

RUSSELL EUGENE PLUM,

Defendant.)

CLERK OF THE
DISTRICT COURT
HARDIN E. TODD

JUL 25 10 51 AM '73

FILED
BY Joseph P. O'Brien
DEPUTY

No. 8986

MOTION

Comes now, HAROLD F. HANSER, County Attorney
in and for Yellowstone County, Montana, and moves this Honorable
Court that he be granted leave to file herein an information, charging
the above named defendant, RUSSELL EUGENE PLUM,
with the crime of FORGERY
committed at Yellowstone County, Montana, on or about the 10th day of
JULY, 1973.

This motion is based upon the affidavit of HAROLD F. HANSER
hereto annexed.

Harold F. Hanser
County Attorney in and for Yellow-
stone County, Montana.

STATE OF MONTANA,)
County of Yellowstone.) ss.

HAROLD F. HANSER, being first duly sworn, on oath
deposes and says:

That he is the duly elected, qualified and acting County
Attorney of Yellowstone County, Montana, and that as such County
Attorney he makes and files the foregoing motion and this affidavit:

That he has in his possession evidence which, in his opinion,
is competent and sufficient to warrant the prosecution and secure the
conviction of the above named defendant, RUSSELL EUGENE PLUM,
for the crime of FORGERY
committed at Yellowstone County, Montana, on or about the 10th day of
JULY, 1973.

That he has made a full and careful investigation of all the
facts and circumstances surrounding the commission of said offense, so
far as they are known or ascertainable; that he verily believes it
a proper case for the filing of an information, and that for this
reason, and none other, the foregoing motion is made.

That the said defendant, RUSSELL EUGENE PLUM, is
now in custody.

Subscribed and sworn to before me this 25th day of JULY,
1973.

HARDIN E. TODD
Clerk Thirteenth Judicial District
Court, Yellowstone County, Montana.

By Beverly Nelson
Deputy Clerk.

Bail Fixed At \$

Leave to file Information
by the Court granted.

CRS and
JUDGE.

WHEREFORE the affiant has made a full and careful investigation of all the facts and circumstances surrounding the commission of said offense, so far as they are known or ascertainable; that he verily believes it a proper case for the filing of an information, and that for this reason, and none other, the foregoing affidavit is made.

Harold J. Hauer

Subscribed and sworn to before me this 25th day of JULY
1973.

Mary Bond
Notary Public For the State of Montana.
Residing at Billings, Montana. My
Commission Expires August 17, 1974.

CLERK OF THE
DISTRICT COURT
HANSIE E. TODD

JUL 25 10 51 AM '73

FILED
BY Joseph P. Albert
DEPUTY

IN THE DISTRICT COURT OF THE THIRTEENTH
JUDICIAL DISTRICT OF THE STATE OF MONTANA
IN AND FOR THE COUNTY OF YELLOWSTONE

THE STATE OF MONTANA,

Plaintiff

-vs-

RUSSELL EUGENE PLUM,

Defendant.)

No.

8986 ②

AFFIDAVIT IN SUPPORT
OF INFORMATION

Comes now HAROLD F. HANSER ~~County~~ County Attorney

In and For the County of Yellowstone, State of Montana, and on
oath, deposes and says:

That he is the Duly ^{elected} ~~appointed~~ and qualified ~~Deputy~~ County
Attorney in and for the County of Yellowstone, State of Montana.

That he has information and verily believes that _____
RUSSELL EUGENE PLUM committed the crime of FORGERY

On July 10, 1973, Russell Eugene Plum submitted a check in the amount of \$1400.00 to Frontier Chevrolet Company as payment in full for the purchase of a 1969 Plymouth Roadrunner. The check was to the order of Frontier Chevrolet, drawn on First Citizens Bank, and made payable from the account of Community Auction - Earl E. Plum. That account had been closed since January, 1971, and the signature which purported to be that of Earl E. Plum was neither his nor authorized by him. A comparison of a specimen signature made by Russell E. Plum with the one appearing on the check was made by a Deputy Sheriff, and the two were found to be similar.

On July 20, 1973, Russell Eugene Plum made a voluntary statement admitting that he had signed the check with Earl E. Plum's name, without the knowledge or consent of Earl E. Plum. He further admitted having removed the check from a file cabinet belonging to Earl E. Plum without the owner's knowledge or consent.

The State of Montana

EUGENE Versus

Plaintiff,

RUSSELL, PLUM,

Defendant.

AN INFORMATION

Filed by **HAROLD F. HANSER**

County Attorney, this **25th** day of

JULY, A. D. 19 **73**.

HARDIN E. TODD, Clerk

By **HARDIN E. TODD**, Deputy Clerk

PRESENTED IN OPEN COURT

By **HAROLD F. HANSER**

County Attorney of Yellowstone County, State of Montana, and filed by leave of Court, this

25th day of

JULY, A. D. 19 **73**.

HARDIN E. TODD, Clerk

Deputy Clerk

County Attorney.

Bail Fixed at \$ **2000**

McPherson, Judge

Recorded in Indictment and Information Book

at Page

Clerk

Names of Witnesses for the State

RICHARD A. YAGER, 1617 1st Avenue North, Billings, Mt.

EARL E. PLUM, 4039 1st Avenue South, Billings, Mt.

BOB SPANNAGEL, 1925 Burnstead, Billings, Mt.

EVELYN SANDMEYER, 2202 Pine, Billings, Mt.

MATT MOCABEE, Deputy Sheriff, Yellowstone County

JESSE G. SOLIZ, Dispatcher, Sheriff's Office, Yellowstone County

INFORMATION

IN THE DISTRICT COURT

Of the Thirteenth Judicial District
of the State of Montana
In and for the County of Yellowstone
THE STATE OF MONTANA,

Plaintiff,

EUGENE vs.
RUSSELL/ PLUM,

Defendant....

CLERK OF THE
DISTRICT COURT
BAGG 12 1900

JUL 25 1 00 PM '73

8986

No.....

FILED
By *Joseph P. Austin*
DEPUTY

In the District Court of the Thirteenth Judicial District of the State of Montana,
in and for the County of Yellowstone, on the 25th day of JULY A. D.
1973, comes HAROLD F. HANSER County Attorney of said county, and here in
said District Court, upon his official oath and in the name and by the authority of the
State of Montana, informs the Court: That one EUGENE RUSSELL/ PLUM

late of the County of Yellowstone, State of Montana, on or about the 10th day
of JULY, A. D. 1973, at the County of Yellowstone and State of Mont.

EUGENE
tana, committed the crime of FORGERY, in that the said RUSSELL/ PLUM, then and
there being, then and there did wilfully, wrongfully, unlawfully and feloniously
utter, publish, or pass to Frontier Chevrolet Company, of Billings, Montana, as
true and genuine, a certain false, forged and counterfeit check purporting to be
made by one Earl E. Plum, and purporting to be drawn in favor of Frontier
Chevrolet, and purporting to be drawn on the First Citizens Bank, of Billings,
Montana, and purporting to be signed by the said Earl E. Plum, the said defendant
then and there knowing that said check was false, forged and counterfeit, as
aforesaid, which said false, forged and counterfeit check was then and there of
the following tenor:

COMMUNITY AUCTION 1393
EARL E. PLUM
4039 1st AVE. SOUTH 252-9776
BILLINGS, MONTANA 59101

July 10 1973 93-119 921

Pay
To The
Order of Frontier Chevrolet \$1400 00/100
one thousand & four hundred -- DOLLARS

FIRST CITIZENS BANK
Billings, Montana 59103

MEMO Car

Earl E. Plum

0921 0119

104 889

0000140000

EUGENE
with the intent then and there in him, the said RUSSELL/ PLUM, to prejudice,
damage and defraud the First Citizens Bank, of Billings, Montana, Frontier
Chevrolet Company, of Billings, Montana, and Earl E. Plum, of Billings, Montana;
contrary to the form, force and effect of Section 94-2001, Revised Codes of
Montana 1947, and against the peace and dignity of the State of Montana.

Harold F. Hanser
County Attorney In and For
The County of Yellowstone,
State of Montana.

CLERK OF THE
DISTRICT COURT
HARDY E. TODD

JUL 31 11 43 AM '73

FILED
BY *Joseph P. Aberton*
DEPUTY

IN THE DISTRICT COURT OF THE THIRTEENTH
JUDICIAL DISTRICT OF THE STATE OF MONTANA
IN AND FOR THE COUNTY OF YELLOWSTONE

RECORD OF MINUTE BOOK ENTRIES

25th July 1973
Minute Book 7
Page 324

(4)

No. 8986 (Sande) R. Rogers

THE STATE OF MONTANA,

Plaintiff,

vs.

RUSSELL EUGENE PLUM,

Defendant.

MOTION, LEAVE, ARRAIGNMENT CONTINUED

The Deputy County Attorney, Charles Bradley, and the defendant without counsel and in the custody of a Deputy Sheriff appear in Court.

Copies of the information and affidavit are handed to the defendant. Upon motion of the County Attorney, leave is granted to file an information charging the defendant with the crime of FORGERY. The defendant waives the reading of the information and acknowledges receipt of a copy. The Court appoints John L. Adams as counsel for the defendant. The defendant is advised by the Court of the nature of the crime charged against him, and the punishment therefor. Counsel for the defendant makes a motion for a psychiatric evaluation which is by the Court granted. The bond is set at \$2000.00. The defendant is remanded to the custody of the Sheriff.

CR Sande

Approved

CLERK OF THE
DISTRICT COURT
HAROLD E. TODD

SEP 19 4 55 PM '73

FILED
BY Joseph P. Weston
DEPUTY

IN THE DISTRICT COURT OF THE THIRTEENTH
JUDICIAL DISTRICT OF THE STATE OF MONTANA
IN AND FOR THE COUNTY OF YELLOWSTONE

RECORD OF MINUTE BOOK ENTRIES

17th September 1973
Minute Book 8
Page 13

8
No. 8986 (Luedke) J. Smith

THE STATE OF MONTANA,

Plaintiff,

vs.

RUSSELL EUGENE PLUM,

Defendant.

ARRAIGNMENT, PLEA, PRONOUNCEMENT OF
JUDGMENT (10/1/73)

The Deputy County Attorney, Diane G. Barz, and the defendant with counsel, John L. Adams, and the defendant in the custody of a Deputy Sheriff appear in Court.

The defendant waives further time to enter a plea. The defendant now pleads GUILTY to the offense as charged. The defendant is advised by the Court of the nature of the crime charged against him and the punishment therefor. The Court accepts the plea as being voluntarily given with the defendant having full knowledge of the consequences. The Court orders a pre-sentence investigation report. The time set for pronouncement of Judgment is October 1, 1973 at 11:00 A.M. The defendant is remanded to the custody of the Sheriff.



Approved

CLERK OF THE
DISTRICT COURT
HARDIN E. TODD
JUL 27 8:30 AM '73
FILED
BY
DEPUTY

IN THE DISTRICT COURT OF THE THIRTEENTH
JUDICIAL DISTRICT OF THE STATE OF MONTANA
IN AND FOR THE COUNTY OF YELLOWSTONE

THE STATE OF MONTANA,

Plaintiff,

-vs-

RUSSELL EUGENE PLUM,

Defendant.

No. 8986

ORDER

BY
DEPUTY

SEP 29 11 16 AM '73

CLERK OF THE
DISTRICT COURT
HARDIN E. TODD

.....

WHEREAS the defendant RUSSELL EUGENE PLUM has
been charged before this Court with the crime of FORGERY

_____, and

WHEREAS said defendant by and through his counsel did
appear before this Court on the 25th day of July, 1973,
and did thereupon move the Court for an order of the Court committing
said defendant to the Montana State Hospital at Warm Springs, Montana
for psychiatric examination and evaluation; and

WHEREAS no resistance was offered to said motion for com-
mitment to Warm Springs for such purposes.

NOW, THEREFORE, IT IS ORDERED that the defendant RUSSELL
EUGENE PLUM, be committed to the Montana State Hos-
pital at Warm Springs, Montana, and to be examined, tested and psy-
chiatric evaluation made by the medical staff of said hospital to
determine whether or not this defendant was at the time of commission
of said crime, to-wit July 10, 1973, suffering from any
mental disease or illness which may or could be a defense to the
commission of said crime, and likewise whether or not the said
defendant is at this time competent to stand trial on the charge of
FORGERY,
and whether or not said defendant could participate in his own de-
fense on said charge.

IT IS FURTHER ORDERED that upon completion of this examination or of any indicated treatment of the defendant, the State Hospital at Warm Springs, Montana, shall furnish a written report to this Court showing the following:

1. A description of the nature of the examination;
2. A diagnosis of the mental condition of the defendant;
3. If the defendant suffers from a mental disease or defect, an opinion as to his capacity to understand the proceedings against him and to assist in his own defense;
4. An opinion as to the ability of the defendant to appreciate the criminality of his conduct or to conform his conduct to the requirements of law at the time of the criminal conduct charged; and
5. An opinion as to the capacity of the defendant to have a particular state of mind which is an element of the offense charged.

If the examination cannot be conducted by reason of the unwillingness of the defendant to participate therein, the report shall so state and shall include, if possible, an opinion as to whether such unwillingness of the defendant was the result of mental disease or defect.

IT IS FURTHER ORDERED that the results of such tests shall be available both to the authorities of the State of Montana and to the defendant, both to make such use as they may have of such findings.

IT IS FURTHER ORDERED that during this examination the defendant shall be detained by the Montana State Hospital at Warm Springs, Montana, and said hospital shall take such security precautions as are necessary to insure that his retention in custody is as a criminal defendant and he shall not be released by the hospital or its staff for any purpose during this period that he is at the said hospital. Upon completion of this examination and indicated treatment, if any, he shall be turned over to the proper authorities for return to Yellowstone County for further disposition of this cause.

Dated this 26 day of - July, 19 73.

C. B. Sander Judge.

OCT 16 9 55 AM '73

FILED
BY *Harry M. Reed*
DEPUTY
(19)

IN THE DISTRICT COURT OF THE THIRTEENTH
JUDICIAL DISTRICT OF THE STATE OF MONTANA
IN AND FOR THE COUNTY OF YELLOWSTONE

THE STATE OF MONTANA,

Plaintiff,

-vs-

RUSSELL EUGENE PLUM

Defendant,

: : : : : : : : : : : : : : : : :)

No. 8986

ORDER STAYING IMPOSITION
OF SENTENCE

WHEREAS the defendant heretofore entered H is plea of
guilty to the crime of FORGERY (FELONY)

 as charged in the information on file in said case,
and this being the date set for pronouncement of judgement, and the
defendant having made application to the Court to be admitted to
probation; and

WHEREAS it appears that said defendant has not heretofore been
convicted of crime, either in this state or elsewhere; and

WHEREAS it appears to the Court that the character of the
defendant and the circumstances of the case are such that he is not
likely again to engaged in an offensive course of conduct and that the
public safety does not demand or require that the sentence shall be
imposed at this time,

NOW, THEREFORE, IT IS ORDERED, that the imposition of sentence
upon said defendant be stayed for a period of Three (3) years
to run concurrently with Cause No. 8848

and said defendant is hereby placed on probation for said period and
the Court retains jurisdiction of said defendant in the above en-
titled cause, and does hereby direct that said defendant be and
appear before this Court on the 15th day of October,
1976, at 10:00 o'clock A.M., and that the imposition of sentence
herein be stayed until that date.

IT IS FURTHER ORDERED that until the said 15th day of
October, 1976, the defendant is admitted to
probation upon the following terms and conditions;

1. The defendant shall not frequent any place where intoxicating liquor or beer is sold nor shall he use intoxicants or beer; nor shall he use any narcotic or dangerous drugs or have in his possession same without proper prescription by a doctor.

2. The defendant shall not enter into any game of chance nor shall he frequent any place where gambling may be taking place;

3. The defendant shall conduct himself in a law abiding manner and shall not violate any law of the United States or of the State of Montana or the ordinance of any city or town during said term;

4. The defendant shall maintain as steady employment as possible during said term, and he shall, to the best of his ability, fully and completely contribute to the support of his wife and family;

5. The defendant shall not leave the confines of the State of Montana either to seek employment or for any other reason, without having first obtained permission of this Court so to do, except in connection with such duties as he may have with the armed forces of the United States;

6. The defendant is placed under the supervision and control of the State Board of Pardons, and is to abide by their rules and regulations;

7. The defendant shall refrain from any association with or social involvement with any person with a criminal record or any person using dangerous drugs. In addition, the defendant shall refrain from association with or social acquaintance with those persons with whom he was involved at the time of the commission of the criminal offense charged resulting in this judgment.

8. The defendant hereby consents to the reasonable search of his person, premises, or any automobile whenever requested to do so by the Probation Officer or any other law enforcement officer, with or without a warrant.

9. The defendant is to spend six (6) months in the Yellowstone County Jail with credit for time served from July 20, 1973 to October 15, 1973.

Dated this 15th day of October, 1973.

Charles Luadke
JUDGE

IN THE DISTRICT COURT OF THE THIRTEENTH
JUDICIAL DISTRICT OF THE STATE OF MONTANA
IN AND FOR THE COUNTY OF YELLOWSTONE

CLERK OF THE
DISTRICT COURT
YELLOWSTONE

FILED
BY *Joseph P. Akert*
DEPUTY

THE STATE OF MONTANA,)	No. 3986 (16)
)	
Plaintiff,)	
)	PETITION FOR REVOCATION OF
-vs-)	ORDER STAYING IMPOSITION
)	OF SENTENCE
RUSSELL EUGENE PLUM,)	
)	
Defendant.)	

Comes now CHARLES A. BRADLEY, Deputy County Attorney of
Yellowstone County, and upon his official oath, and in the name and
by the authority of the State of Montana, petitions the above entitled
Court to revoke its order staying imposition of sentence upon the
above-named defendant who was adjudged guilty of the crime of
FORGERY and to impose sentence at
this time.

This petition is based upon the failure of the above-named
defendant to obey the conditions and terms of the Court's order
staying imposition of sentence in the following particulars:

That defendant was involved in the burglary of Adams Truck Plaza
in Yellowstone County during the early morning hours of July 24, 1974,
during the nighttime, as a lookout, and he received the stolen property,
fruits of the burglary, to-wit: A wrist watch, knowing the same to have
been stolen.

That defendant actively participated in the burglary of the Poly
Conoco Service Station located at 17th Street West and Poly Drive, Billings,
Montana, in the 28th day of July, 1974, during the nighttime.

WHEREFORE, your petitioner prays that the Order Staying
Imposition of Sentence be revoked and that sentence be imposed
upon said defendant.

Dated this 31 day of JULY, 1978.

Charles A. Bradley
Deputy County Attorney
In and For the County of Yellowstone
State of Montana

STATE OF MONTANA
County of Yellowstone
OFFICE OF THE SHERIFF

} RETURN ON COMMITMENT

I HEREBY CERTIFY That I received the annexed Order of Confinement on the 26 day
of August, 1974, and under and by virtue of said Order of Confinement and
pursuant to the instructions thereof, I did on the 30 day of August, 1974,
deliver RUSSELL EUGENE PLMM

to the WORDEN of the State Prison at DEER LODGE, MONTANA.

Dated at Billings, Montana, this 30 day of August, 1974.

DEAN S. BETZER

~~ROY E. STEWART~~, Sheriff

By

Frank

Deputy Sheriff

1974 SEP 12 PM 3:52

IN THE DISTRICT COURT

Of the Thirteenth Judicial District of the State of Montana,
In and for the County of Yellowstone.FILED BY *Joseph P. Albertin*
DEPUTY~~Term XXXXX~~

August 26

A. D. 1974

Present, Hon. CHARLES LUEDKE, Judge

THE STATE OF MONTANA,

Plaintiff,

No. 8986

vs.

RUSSELL EUGENE PLUM,

Convicted of FORGERY

Defendant.

The County Attorney, with the Defendant, RUSSELL EUGENE PLUM, and his counsel, JOHN L. ADAMS, JR., Esq., came into court. The defendant was duly informed by the Court of the nature of the information found against him for the crime of FORGERY

committed on the 10th day of JULY, A. D. 1973; of his arraignment and plea of "Guilty to the crime of FORGERY

on the 17th day of SEPTEMBER, A. D. 1973.

The defendant was then asked if he had any legal cause to show why judgment should not be pronounced against him, to which he replied that he had none. And no sufficient cause being shown or appearing to the Court, thereupon the Court renders its judgment. That, whereas the said RUSSELL EUGENE PLUM has been duly convicted in this Court of the crime of FORGERY

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED, That the said RUSSELL EUGENE PLUM

be punished by imprisonment at hard labor in the State Prison of the State of Montana, at Deer Lodge, Montana, for the term of Ten (10) Years, said sentence to run concurrently with the sentence received in criminal cause No. 8848. The Court finds that prior to the date hereof the defendant has been incarcerated in the Yellowstone County Jail from Feb. 13 through Feb. 21, 1973, from July 20, 1973 through January 19, 1974, and from August 9, 1974 through August 26, 1974.

Done in open Court this 26th day of AUGUST, A. D. 1974.

Charles Luedke
Judge.

STATE OF MONTANA
Thirteenth Judicial District, County of Yellowstone

ss.

I, HARDIN E. TODD, Clerk of the District Court aforesaid do hereby certify the foregoing to be a full, true and correct copy of the judgment of the said District Court in the above entitled action, and that I have compared the same with the original, that the same is a correct transcript of said judgment, and the whole thereof.

ATTEST, my hand and the seal of said District Court this

26th day of AUGUST, A. D. 1974.

HARDIN E. TODD, Clerk,

By *Harry M. Reed*, Deputy Clerk.

IN THE DISTRICT COURT

Of the Thirteenth Judicial District of the State of Montana,
In and for the County of Yellowstone

THE STATE OF MONTANA, To the Sheriff of the County of Yellowstone, State of Montana, and the

Warden and officers in charge of the State Prison of the State of Montana—GREETING:

WHEREAS, RUSSELL EUGENE PLUM has been duly convicted in our
District Court of the Thirteenth Judicial District of the State of Montana, in and for the County of
Yellowstone, of the crime of FORGERY

and judgment has been pronounced against him that he be punished by imprisonment
at hard labor in the State Prison of the State of Montana, at Deer Lodge, Montana, for the term of
Ten (10) Years to be served concurrently with the sentence received in criminal
Cause No. 8848 with credit for time spent in all of which appears to us of record,
jail
and a certified copy of the judgment being endorsed hereon and made a part hereof;

Now this is to command you, the said Sheriff of the County of Yellowstone, to take, keep and
safely deliver the said RUSSELL EUGENE PLUM into the custody of the said
Warden or other officer in charge of the State Prison of the State of Montana, at Deer Lodge, Mon-
tana, at your earliest convenience;

And this is to command you, the said Warden and other officers in charge of the State Prison
of the State of Montana, at Deer Lodge, Montana, to receive of and from the said Sheriff of the
County of Yellowstone, the said RUSSELL EUGENE PLUM convicted and sentenced as
aforesaid, and he the said RUSSELL EUGENE PLUM
keep and imprison at hard labor in the said State Prison of the State of Montana, at Deer Lodge,
Montana, for the term of Ten (10) Years to be served concurrently with the sentence
received in criminal cause No. 8848 with credit for time spent in jail.

And these presents shall be your authority for the same, Herein fail not.

WITNESS, HON. CHARLES LUEDKE, Judge
of the said District Court, at the Court House, in the said County
of Yellowstone, this 26th day of AUGUST,
A. D. 1974.

ATTEST, my hand and seal of the said Court, the day and year last
above written.

HARDIN E. TOED, Clerk,
By Harry M. Reed, Deputy Clerk.

IN THE DISTRICT COURT

Of the Thirteenth Judicial District of the State of Montana,
In and for the County of Yellowstone

CLERK OF DISTRICT COURT
HARDIN E. TODD

04 JUL 31 1974

Joseph P. Alston
DEPUTY

THE STATE OF MONTANA, Plaintiff,

vs.

RUSSELL EUGENE PLUM,

MOTION 9360 ①

Defendant.....

Comes now J. D. COOPER, Deputy....., County Attorney
in and for Yellowstone County, Montana, and moves this Honorable Court that he be granted leave
to file herein an information, charging the above named Defendant....., RUSSELL EUGENE PLUM

with the crime of BURGLARY....., committed
at Yellowstone County, Montana, on or about the 24th day of JULY, 19 74.

This motion is based upon the affidavit of J. D. COOPER hereto annexed.

J. D. Cooper
Deputy County Attorney in and for Yellowstone County,
Montana.

STATE OF MONTANA,

ss.

County of Yellowstone.

J. D. COOPER....., being first duly sworn, on oath
deposes and says:

That he is the duly appointed, qualified and acting Deputy County Attorney of Yellowstone County, Mon-
tana, and that as such Deputy County Attorney he makes and files the foregoing motion and this affidavit:

That he has in his possession evidence which, in his opinion, is competent and sufficient to
warrant the prosecution and secure the conviction of the above named Defendant.....,

RUSSELL EUGENE PLUM

for the crime of BURGLARY....., committed at
Yellowstone County, Montana, on or about the 24th day of JULY, 19 74.

That he has made a full and careful investigation of all the facts and circumstances surround-
ing the commission of said offense, so far as they are known or ascertainable; that he verily believes
it a proper case for the filing of an information, and that for this reason, and none other, the fore-
going motion is made.

That the said Defendant....., RUSSELL EUGENE PLUM is now in custody.

Subscribed and sworn to before me this 31st day of JULY, 19 74.

HARDIN E. TODD

Clerk Thirteenth Judicial District Court, Yellow-
stone County, Montana.

By

Joseph P. Alston

Deputy Clerk

Leave to file Information
by the Court granted.

C. Blaine

JUDGE.

Bail fixed at \$

1974 JUL 31 11 17 AM

Joseph P. Abatin
DEPUTY

IN THE DISTRICT COURT OF THE THIRTEENTH
JUDICIAL DISTRICT OF THE STATE OF MONTANA
IN AND FOR THE COUNTY OF YELLOWSTONE

THE STATE OF MONTANA,

Plaintiff

-vs-

RUSSELL EUGENE PLUM

Defendant.

No. 9360 (2)

AFFIDAVIT IN SUPPORT
OF INFORMATION

Comes now CLIFFORD E. SCHLEUSNER Deputy County Attorney

In and For the County of Yellowstone, State of Montana, and on
oath, deposes and says:

That he is the Duly appointed and qualified Deputy County
Attorney in and for the County of Yellowstone, State of Montana.

That he has information and verily believes that _____
RUSSELL EUGENE PLUM committed the crime of BURGLARY

In the late evening hours of July 19th or the early morning hours of July 20th of 1974, the Lake Hills Golf Clubhouse north of the City Limits of Billings was broken into and burglarized. Articles stolen consisted of approximately \$200.00 in cash in addition to a quantity of liquor.

Merle Paulson gave a statement to the police admitting that on the night of the burglary he and Michael William Mann and a person whose first name was Jerry, later identified as Gerald Lynn Burton, drove to the Lake Hills clubhouse in Mann's Mercury station wagon, that he stayed in the car while Mann and Burton took a tire iron and walked toward the clubhouse building with the stated intention of breaking in and stealing some beer. He said that Mann and Burton were gone about a half hour and that when they returned they had about \$200.00 in cash, two bottles of whiskey and one bottle of gin.

Mann gave a statement to the police corroborating Paulson's statement except to say that they had taken only one bottle of whiskey and one bottle of vodka in addition to approximately \$200.00 in cash. He also stated that Burton broke an upstairs window and they then both entered the clubhouse through the opening. He stated that they got the liquor and part of the money out of the Bar-Lounge cash register and that they then broke a window out of the downstairs portion and got the rest of the money and the liquor out of the Pro Shop portion of the clubhouse. He also stated that they then split the money between them but that Paulson did not get as much of the money as he and Burton.

On the late evening hours of July 23rd or the early morning hours of July 24th, 1974, Adams Truck Plaza, a Truck Stop Service Station, located on Interstate 90 just east of Laurel, Montana, was broken into and burglarized. Articles stolen consisted of watches, jewelry, guns, radios and other merchandise in addition to a quantity of cash and uncashed checks of a total value of \$3,128.24.

Mann gave a statement to the police admitting that on the night of the burglary, that he, together with Burton and Russell Eugene Plum had driven to said truck stop in Burton's 1965 Plymouth car, that he had stayed in the car, that Burton and Plum broke out a window in the Truck Stop Building, entered the building and carried out a quantity of merchandise which they hid down the road near a stop sign. He stated that they then went back to the Truck Stop building, that Burton and Plum again entered the building and carried out some more merchandise and cash, that they then picked up the other merchandise near the stop sign and that they took all the merchandise to "Regina's" house. Mann stated that he got \$240.00 in cash and a silver dollar and a watch which

had been stolen in the burglary.

Burton gave a statement to the police similar to the Mann statement admitting that he did enter the building and carried cash and merchandise outside, and that his share of the loot included \$200.00 in cash and a Craig car stereo set which he installed in his car and which was recovered at the time of his arrest.

Plum gave a statement to the police admitting that he had been with Mann and Burton at the time in question, that they had driven to Adams Truck Stop, that Burton broke out the window of the building and entered it while Plum and Mann kept watch outside, and that Burton then handed out stolen merchandise to Plum and Mann who took it to Burton's car. Plum also admitted that he kept some of the money that was stolen and one of the stolen watches which he was wearing at the time of his arrest. He also admitted breaking the silver dollars out of belt buckles that were stolen and putting the silver dollars in a money bag that also was stolen.

Evidence indicated that Michael William Mann, Gerald Lynn Burton and Merle Paulson were broke before the burglary but that they had substantial funds shortly afterwards.

WHEREFORE the affiant has made a full and careful investigation of all the facts and circumstances surrounding the commission of said offense, so far as they are known or ascertainable; that he verily believes it a proper case for the filing of an information, and that for this reason, and none other, the foregoing affidavit is made.

Cleopatra Paulson

Subscribed and sworn to before me this 31st day of July

1974.

Dorinda L. Sullivan
Notary Public For the State of Montana.
Residing at Billings, Montana. My
Commission Expires 11/13/75.

10/145

CLERK OF THE
DISTRICT COURT
HARDIN E. TODD

1974 AUG 28 AM 10:46

FILED
BY [Signature]
DEPUTY

IN THE DISTRICT COURT OF THE THIRTEENTH
JUDICIAL DISTRICT OF THE STATE OF MONTANA
IN AND FOR THE COUNTY OF YELLOWSTONE

THE STATE OF MONTANA,

Plaintiff,

-vs-

RUSSELL EUGENE PLUM,

Defendant.

No. 9360

MOTION FOR DISMISSAL

COMES NOW, THE STATE OF MONTANA, by and through its ~~XXXXXX~~
County Attorney, In and For the County of Yellowstone, HAROLD F. HANSER
_____, and respectfully moves the Court to dismiss
the foregoing action upon the following grounds and for the following
reasons:

That the defendant has been committed to the Montana State Prison
on previous criminal charges.

Dated this 27th day of AUGUST, 1974.

[Signature]
Attorney For Plaintiff

O R D E R

Good cause appearing therefor, IT IS HEREBY ORDERED that the
above entitled case be dismissed, and the defendant, RUSSELL EUGENE PLUM
_____, be released from such charge, and the bond,
if any heretofore posted, is ordered exonerated, with leave to file
a new information at a later time.

Dated this 28 day of AUGUST, 1974.

[Signature]
Judge.