

**APPLICATION FOR
DISTRICT COURT JUDGESHIP**

A. PERSONAL INFORMATION

1. Full name: Charity Sue McLarty
2. Birthdate: [REDACTED]
3. Current home address: [REDACTED]
4. Email address: [REDACTED]
5. Preferred phone number: [REDACTED]
6. Judicial position you are applying for: 7th Judicial District Judgeship
7. Date you became a U.S. citizen, if different than birthdate: birthdate
8. Date you become a Montana resident: May 1, 2011

B. EDUCATIONAL BACKGROUND

9. List the names and location (city, state) of schools attended beginning with high school, and the date and type of degree you received.

Harding Academy
Searcy, Arkansas
High School Diploma
May 2000

Harding University
Searcy, Arkansas
Bachelor of Science in Criminal Justice
Minor in Public Relations
May 2004

University of Arkansas at Little Rock School of Law
Little Rock, Arkansas
Juris Doctor
May 2007

10. List any significant academic and extracurricular activities, scholarships, awards, or other

recognition you received from each college and law school you attended.

Harding University

Magna Cum Laude

Vice-President of Harding Criminal Justice Association – Alpha Theta Omega

Section editor of school yearbook

University of Arkansas at Little Rock School of Law

Law Clerk for Office of the Attorney General, Public Protection Department

Little Rock, Arkansas

C. LEGAL AND PROFESSIONAL EXPERIENCE

11. In chronological order (beginning with most recent), state each position you have held since your graduation from law school. Include the dates, names and addresses of law firms, businesses, or governmental agencies with which you have been affiliated, and your position. Include the dates of any periods of self-employment and the name and address of your office.

2022-present

Richland County Attorney

Richland County Attorney's Office

300 12th Avenue Northwest, Ste. 7

Sidney, Montana 59270

2018-2022

Deputy County Attorney

Richland County Attorney's Office

300 12th Avenue Northwest, Ste. 7

Sidney, Montana 59270

2015-2018

Partner/Co-Owner

McLarty & Haase, P.C.

118 West Benham

Glendive, Montana 59330

2012-2015

Associate Attorney

Armstrong Law Office, P.C.

212 South Central Avenue

Sidney, Montana 59270

2011-2012

Assistant Public Defender

Office of the State Public Defender

100 1/2 S Merrill Ave # 3

Glendive, MT 59330

2009-2011

Federal Background Investigator (Contractor)

USIS a/k/a U.S. Investigations Services, LLC

Houston, Texas

Address unavailable as company no longer exists

12. In chronological order (beginning with most recent), list your admissions to state and federal courts, state bar associations, and administrative bodies having special admission requirements and the date of admission. If any of your admissions have terminated, indicate the date and reason for termination.

Montana State Bar Association 2010

United States District Court – District of Montana 2010

13. Describe your typical legal areas of concentration during the past ten years and the approximate percentage each constitutes of your total practice (i.e., real estate, water rights, civil litigation, criminal litigation, family law, trusts and estates, contract drafting, corporate law, employment law, alternative dispute resolution, etc).

Criminal defense and prosecution make up approximately 70% of my legal career so far. During my time in private practice, I handled many divorces and parenting plan cases. I also had cases with the Child Support Enforcement Division, now known as Child Support Services Division. Family law matters made up approximately 15% of my cases. I've also handled personal injury cases, defended civil matters, drafted simple estate planning documents, drafted simple contracts to include real estate issues, and conducted mediations. I do not yet have experience with corporate law, water rights, employment law or trusts. As a defense attorney and as a county attorney, I've handled many dependency and neglect cases, as well as mental commitments. Those account for the final 15% of my cases. I've also handled guardianship proceedings, as well as an adoption.

14. Describe any unique aspects of your law practice, such as teaching, lobbying, serving as a mediator or arbitrator, etc. (exclude bar activities or public office).

I enjoy teaching and have been able to guest lecture in a high school class here in Sidney several times over the years. I've also handled mediation for a family law matter involving divorce and child custody.

15. Describe the extent that your legal practice during the past ten years has included participation and appearances in state and federal court proceedings, administrative proceedings, and arbitration proceedings.

I had a personal injury case in federal court. That case was resolved through mediation so I never appeared in front of the Federal Judge in Court. Well over half of my career has been spent in a courtroom. I've represented quite a few defendants during criminal trials. Some of those cases

resulted in acquittals. I've also represented the State of Montana in criminal trials, as well as dependency and neglect matters and mental commitments.

16. If you have appeared before the Montana Supreme Court within the last ten years (including submission of amicus briefs), state the citation for a reported case and the case number and caption for any unreported cases.

I have not appeared before the Montana Supreme Court.

17. Describe three of the most important, challenging, or complex legal issues you have dealt with or legal proceedings in which you have participated during your practice.

- a. Fitness to Proceed – It is no surprise that mental health issues intersect frequently with criminal cases. The 7th Judicial District is definitely far removed geographically from many of the mental health resources that other parts of the State are able to offer. Even with services and providers in the 7th Judicial District, many citizens either do not have access to mental health services, refuse to treat their mental health issues with medication, or stop using medication that has helped them maintain their mental health issues in the past. This inevitably results in a growing population of individuals committing crimes that require the attorneys and courts to become proficient in navigating complex issues like fitness to proceed, and capacity to appreciate the criminality of their actions. I have dealt with these issues on both the side of a defense attorney, and that of a prosecutor.
- b. Homicide Cases – As a prosecutor in Richland County, I have been involved in the prosecution of several homicide cases. Complex issues certainly arise in these cases. Each case is different, but there are threads of similarity in all homicide cases. There are grieving families who desperately want to make sense out of something that can never be adequately explained. Court proceedings often seem cold and appear to give the person accused of killing their loved one so many more rights than their loved one was afforded. While I've been blessed with having a great team of people I work with, and I very much value a team approach, it has always been very important to me to sit down with victims of crimes and their families to do whatever I can to make the process less cold and more humane.
- c. Family Law – Nothing matters more than family. Nothing. That is the very reason that family law cases have been some of my most challenging cases. It is normal for attorneys to be concerned with courtroom safety throughout their career. In criminal law, people are often going to prison and those cases certainly bring risk of bodily harm to the attorneys and judges in the courtroom. I have maintained for years that the cases that present the biggest risk to all parties in the courtroom are family law cases. Stakes are high, and lives can be absolutely ripped apart by the decision that a single judge makes. The trajectory of a child's life and their relationship with their parents is placed in the hands of one person. Helping clients navigate risks and possible outcomes of trials in family law has been some of the most rewarding work of my career. When handled well, the Court can often avert the need for additional and unnecessary hearings in the future.

18. If you have authored and published any legal books or articles, provide the name of the article or book, and a citation or publication information.

N/A

19. If you have taught on legal issues at postsecondary educational institutions or continuing legal education seminars during the past ten years, provide the title of the presentation, date, and group to which you spoke.

N/A

20. Describe your pro bono services and the number of pro bono hours of service you have reported to the Montana Bar Association for each of the past five years.

I routinely perform approximately 50 hours of pro bono service each year. I do not have a specific area of practice to which I limit my pro bono hours. Typically, they have involved volunteering to teach at the local high school, helping friends with legal issues in their lives, and helping those I do not know personally to navigate contracts, drafting simple estate planning, housing issues and family law issues.

21. Describe dates and titles of any offices, committee membership, or other positions of responsibility you have had in the Montana State Bar, other state bars, or other legal professional societies of which you have been a member and the dates of your involvement. These activities are limited to matters related to the legal profession.

N/A

22. Identify any service in the U.S. Military, including dates of service, branch of service, rank or rate, and type of discharge received.

N/A

23. If you have had prior judicial or quasi-judicial experience, describe the position, dates, and approximate number and nature of cases you have handled.

N/A

24. Describe any additional business, agricultural, occupational, or professional experience (other than legal) that could assist you in serving as a judge.

N/A

D. COMMUNITY AND PUBLIC SERVICE

25. List any civic, charitable, or professional organizations, other than bar associations and legal professional societies, of which you have been a member, officer, or director during the last ten years. State the title and date of any office that you have held in each organization and briefly

describe your activities in the organization and include any honors, awards or recognition you have received.

Action For Eastern Montana
Glendive, Montana 59330
Board Member, 2016-2018

26. List chronologically (beginning with the most recent) any public offices you have held, including the terms of service and whether such positions were elected or appointed. Also state chronologically any unsuccessful candidacies you have had for elective office or unsuccessful nominations for appointed office.

Richland County Attorney
Appointed September 2022 through December 2022
Elected January 2023 to present

I applied to be the Dawson County Attorney in 2017. Brett Irigoin was selected to be the Dawson County Attorney by the Dawson County Commissioners. I then ran against Mr. Irigoin in June of 2018 for the position of Dawson County Attorney. Mr. Irigoin won that election.

E. PROFESSIONAL CONDUCT AND ETHICS

27. Have you ever been publicly disciplined for a breach of ethics or unprofessional conduct (including Rule 11 violations) by any court, administrative agency, bar association, or other professional group? If so, provide the details.

No.

28. Have you ever been found guilty of contempt of court or sanctioned by any court for any reason? If so, provide the details.

No.

29. Have you ever been arrested or convicted of a violation of any federal law, state law, or county or municipal law, regulation or ordinance? If so, provide the details. Do not include traffic violations unless they also included a jail sentence.

No.

30. Have you ever been found liable in any civil proceedings for damages or other legal or equitable relief, other than marriage dissolution proceedings? If so, provide the citation of a reported case or court and case number for any unreported case and the year the proceeding was initiated (if not included in the case number).

No.

31. Is there any circumstance or event in your personal or professional life that, if brought to the attention of the Governor or Montana Supreme Court, would affect adversely your qualifications to serve on the court for which you have applied? If so, provide the details.

No.

F. BUSINESS AND FINANCIAL INFORMATION

32. Are you currently an owner, officer, director, or otherwise engaged in the management of any business other than a law practice? If so, please provide the name and locations of the business and the nature of your affiliation, and state whether you intend to continue the affiliation if you are appointed as a judge.

No.

33. Have you timely filed appropriate tax returns and paid taxes reported thereon as required by federal, state, local and other government authorities? If not, please explain.

Yes.

34. Have you, your spouse, or any corporation or business entity of which you owned more than 25% ever filed under title 11 of the U.S. Bankruptcy Code? If so, give details.

No.

G. JUDICIAL PHILOSOPHY

35. State the reasons why you are seeking office as a district court judge.

I grew up in the law, so to speak, in the court of Judge Richard A. Simonton. I greatly respected Judge Simonton and miss him very much. He had a passion for the law. He lived and breathed the law. I could only hope to eventually become half the legal scholar he was. Judge Simonton could sometimes seem harsh and grouchy, but he was fair, and he would always listen. I never had the pleasure of practicing in his court as a prosecutor. I did have the pleasure of practicing in his court as a defense attorney and in family law matters. Watching him on the bench taught me what I value in a district court judge and what I hope to emulate as a district court judge. He was consistent. I could properly advise my clients about the strengths and the weaknesses of their case because I knew how Judge Simonton regularly ruled in such matters. He had been so consistent over the years that outcomes became quite predictable. He knew the law like the back of his hand. Even if he disagreed with the law, he did not rule outside the law. People often received second chances, but very rarely did they receive more than that. He made sure to keep the protection of society at the forefront of his mind in ruling in civil and criminal matters. Something I valued most about Judge Simonton was his protection of the most vulnerable people

in society. He stood up for victims, for children, and for all who could not stand up for themselves.

I believe that my experience in the law so far has led me to this moment. While I still consider myself young, I have lived enough life to know what a precious opportunity this is. If chosen to be a district court judge, I would have the incredible privilege of using the power of the bench for good. My desire is to do good in this world. I think we all desire that. I believe that as a district court judge, I could serve this community that I love so much, I could assist those who are struggling, I could provide protection to those who feel vulnerable, and I could faithfully and honorably represent the laws and the courts of the Great State of Montana. Leading the District Court in being a stable and dependable beacon of hope would be the greatest honor of my professional life.

36. What three qualities do you believe to be most important in a good district court judge?
- a. Integrity – We tell jurors in every trial about the importance of no attorney, or the judge, being able to speak directly with the jurors outside of the courtroom. This avoids even the appearance of impropriety and ensures that everyone can expect a fair trial. While I am sure that being a judge can be a lonely existence at times, judges must be very cautious about the people with whom they surround themselves. Every person who appears in front of a judge must have the assurance that nothing other than what is presented in legal documents and at hearings will be considered by the court. Judges are not to be on an island all by themselves. They should be involved in their communities. However, knowing who someone is related to, who their friends are, or whether they have an important “name” in a community, cannot matter in terms of whether that person has equal access to justice. People make mistakes. Judges make mistakes. Owning those mistakes, learning from them, and demanding accountability from yourself as a judge is vital to the integrity of the judicial system, as well as your own personal integrity.
 - b. Discretion – Judges deal with some of the most personal and vulnerable issues of people’s lives. They deal with information in criminal matters that, if disclosed, could get law enforcement officers killed. Some of the knowledge they are privy to could be so terribly damaging in the wrong hands. In a very real sense, people’s very lives are on the line in many court proceedings. Judges must be able to be trusted and counted on to protect both people and information and make the hard decisions.
 - c. Dependability – The Judge sets the tone for what is expected in their courtroom. A Judge must work harder than everyone else. They must be accessible to and thoughtful of those they serve.
37. What is your philosophy regarding the interpretation and application of statutes and the Constitution?

I believe strongly in the importance of the three branches of government. I also believe that as a District Court Judge, it would be my job to interpret the law and apply the law to the facts of each case. My personal opinions do not matter. What I think the law should or should not be

would not be my concern. The integrity of the entire judicial system demands that each branch of government must respect the other branches themselves, and those people elected to serve in those branches. I would be in a position to take the laws as they exist and apply them fairly to each case. No more. No less.

H. MISCELLANEOUS

38. Attach a writing sample authored entirely by you, **not to exceed 20 pages**. Acceptable samples include briefs, legal memoranda, legal opinions, and journal articles addressing legal topics.
39. Please provide the names and contact information for three attorneys and/or judges (or a combination thereof) who are in a position to comment upon your abilities.

Rennie Wittman, JD
(Honorable Rennie Wittman, January 2025)
1010 Main Street
Miles City, MT 59301
(406) 346-6109

Benjamin J. Fosland, JD
(Honorable Benjamin J. Fosland, January 2025)
100 W Laurel Ave.
Plentywood, MT 59254
(406) 765-1212

Shawn A. Quinlan, JD
Custer County Attorney
1010 Main Street
Miles City, MT 59301
(406) 874-3310

CERTIFICATE OF APPLICANT

I hereby state that to the best of my knowledge the answers to all questions contained in my application are true. By submitting this application I am consenting to investigation and verification of any information listed in my application and I authorize a state bar association or any of its committees, any professional disciplinary office or committee, educational institutions I have attended, any references furnished by me, employers, business and professional associates, law enforcement agencies, all governmental agencies and instrumentalities and all other public or private agencies or persons maintaining records pertaining to my citizenship, residency, age, credit, taxes, education, employment, civil litigation, criminal litigation, law enforcement investigation, admission to the practice of law, service in the U. S. Armed Forces, or disciplinary history to release to the Office of the Governor of Montana or its agent(s) any information, files, records, or reports requested in connection with any consideration of me as a possible nominee for appointment to judicial office.

I further understand that the submission of this application expresses my willingness to accept appointment as District Court Judge if tendered by the Governor, and my willingness to abide by the Montana Code of Judicial Conduct and other applicable Montana laws (including the financial disclosure requirements of MCA § 2-2-106).

12-11-2024

(Date)



(Signature of Applicant)

A signed original **and** an electronic copy of your application and writing sample must be submitted by
5:00 p.m. on Monday, December 16, 2024

Mail the signed original to:

Hannah Slusser
Governor's Office
P.O. Box 200801
Helena, MT 59620-0801

Send the electronic copy to: hannah.slusser@mt.gov

CHARITY MCLARTY
DEPUTY COUNTY ATTORNEY
RICHLAND COUNTY LAW & JUSTICE CENTER
300 12TH AVENUE NW, STE 7
SIDNEY, MONTANA 59270
PHONE: 433-2505
FAX: 433-9989

FILED <i>Janie Kempel</i>
CLERK OF DISTRICT COURT
APR 8 2022
BY <i>Laurel Molder</i>
DEPUTY

MONTANA SEVENTH JUDICIAL DISTRICT COURT, RICHLAND COUNTY

STATE OF MONTANA,	*	NO. DC-21-49
Plaintiff,	*	
-vs	*	STATE'S SENTENCING
	*	MEMORANDUM
STEPHANIE NICOLE MONTGOMERY,	*	
Defendant.	*	

Comes now Charity McLarty, Deputy County Attorney for Richland County, Montana, and hereby submits this Sentencing Memorandum in anticipation of Mrs. Montgomery's sentencing hearing on April 11, 2022.

RELEVANT PROCEDURAL HISTORY

On June 4, 2021, the State filed an Information charging the Defendant with four counts of Assault on a Minor, and 16 count of Assault With a Weapon. The Defendant pled not guilty to all counts. A trial on all charges commenced on February 22, 2022. On February 25, 2022, the jury returned a unanimous verdict. The Defendant was found guilty of five counts of Assault on a Minor

and five counts of Assault With a Weapon. Three of the counts to which the jury returned a guilty verdict of Assault on a Minor were to the lesser included offense offered by the Defendant. Those three counts were originally charged as Assault With a Weapon. A presentence investigation report was completed by PSI writer Susan K. Sampson, and submitted to the Court and all parties. Sentencing is scheduled to be held on Monday, April 11, 2022.

MRS. MONTGOMERY'S BACKGROUND

The Defendant's criminal history consists of traffic or misdemeanor offenses only. The Defendant was charged with Aggravated Assault With a Deadly Weapon in 2012. The Defendant was charged with Battery in 2015. It is the State's understanding that the victim of these charges was Pierce Montgomery and he requested that those charges be dropped. The Defendant has never been convicted of any felony offense.

ACCEPTANCE OF RESPONSIBILITY AND REMORSE

It is clear to the State that the Defendant has exhibited no signs of remorse during this entire process. The State does not point to the fact that she chose to take this matter to trial, as she obviously has every right to do so. However, the Defendant's words and actions, even during trial, are telling as to what the Defendant thinks about what she did. Never once did the Defendant

show any emotion when her children entered the Courtroom and testified against her. The only time the Defendant exhibited any emotion was when the jury verdict was being read.

The Defendant's answers to the three stock questions are also telling, and deny any responsibility for the harm she has caused her children.

It can certainly be argued that the Defendant may have also suffered abuse at the hands of her mother growing up. However, the cycle MUST stop somewhere. Otherwise, someone who was sexually abused growing up, could feel they have a license to continue that abuse on others when they reach adulthood. The same would be true of many other crimes perpetuated against children.

SENTENCING ARGUMENT

Montana law sets forth in statute the correctional and sentencing policies of the State of Montana.

M.C.A. § 46-18-101. Correctional and sentencing policy.

(1) It is the purpose of this section to establish the correctional and sentencing policy of the state of Montana. Laws for the punishment of crime are drawn to implement the policy established by this section.

(2) The correctional and sentencing policy of the state of Montana is to:

(a) punish each offender commensurate with the nature and degree of harm caused by the offense and to hold an offender accountable;

(b) protect the public, reduce crime, and increase the public sense of safety by incarcerating violent offenders and serious repeat offenders;

(c) provide restitution, reparation, and restoration to the victim of the offense; and

(d) encourage and provide opportunities for the offender's self-improvement to provide rehabilitation and reintegration of offenders back into the community.

(3) To achieve the policy outlined in subsection (2), the state of Montana adopts the following principles:

(a) Sentencing and punishment must be certain, timely, consistent, and understandable.

(b) Sentences should be commensurate with the punishment imposed on other persons committing the same offenses.

(c) Sentencing practices must be neutral with respect to the offender's race, gender, religion, national origin, or social or economic status.

(d) Sentencing practices must permit judicial discretion to consider aggravating and mitigating circumstances.

(e) Sentencing practices must include punishing violent and serious repeat felony offenders with incarceration.

(f) Sentencing practices must provide alternatives to imprisonment for the punishment of those nonviolent felony offenders who do not have serious criminal records.

(g) Sentencing and correctional practices must emphasize that the offender is responsible for obeying the law and must hold the offender accountable for the offender's actions.

(h) Sentencing practices must emphasize restitution to the victim by the offender. A sentence must require an offender who is financially able to do so to pay restitution, costs as provided in 46-18-232, costs of assigned counsel, as provided in 46-8-113, and, if the offender is a sex offender, costs of any chemical treatment.

(i) Sentencing practices should promote and support practices, policies, and programs that focus on restorative justice principles.

In this case, a mother, entrusted with the care and protection of her children, violated that trust and abused her children for years. With time, therapy, and space, the State hopes that these children will be able to heal and move forward to live lives free from fear of their mother. That cannot happen without the Defendant being punished and removed from them geographically for a while. These children deserve to be able to fall asleep at night

and not worry that their mother will come beat them, or worse, while they sleep.

Obviously with programming, the State is hopeful that Mrs. Montgomery can eventually be released into the community with no risk to the safety of the general public, and especially the citizens of Richland County. However, that time is not now.

The Montana Department of Corrections average prison sentence for Assault on a Minor from 2017 to 2021, (attached as Exhibits 1-2), provide perhaps the clearest insight into what is a standard sentence for this offense. The average prison term was 3.995 years. The average probation term was 2.154 years.

The Montana Department of Corrections average prison sentence for Assault With a Weapon from 2017 to 2021, (attached as Exhibits 3-4), provide insight into what is a standard sentence for this offense. The average prison term was 6.777 years. The average probation term was 3.381 years.

As stated in the correctional and sentencing policy above, the Court must punish Mrs. Montgomery for what she did to her children commensurate with the nature and degree of harm she caused. The Court must protect the public, reduce crime, and increase the public sense of safety by incarcerating violent offenders. The Court must attempt to restore the victims of these offenses, and encourage and provide opportunities for the Defendant's rehabilitation and reintegration back into the

community. The Court's sentence should be commensurate with the punishment imposed on other persons committing the same offenses. Despite the issue of race being hammered by the Defense at trial, the race of the Defendant is the same race as the victims that the State is seeking to protect. The State has every confidence that this Honorable Court will be neutral with respect to race in this case. Furthermore, the Court must punish violent offenders with incarceration (see, M.C.A. § 46-18-101 (3)(e)). Assault With a Weapon is a violent offense, where the Defendant must register as a Violent Offender.

Finally, the Montana State Women's Prison has opportunities and programming there for self-improvement, so she may be rehabilitated before she is released to the general public.

CONCLUSION

The State respectfully requests that the Court sentence the Defendant as follows:

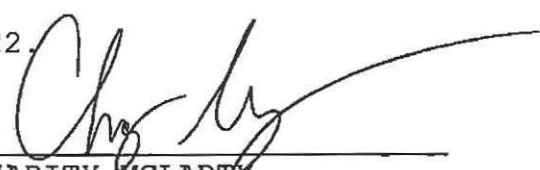
For each of the five counts of Assault With a Weapon: 15 years to the Montana Women's Prison, with 8 of those years suspended. The State recommends that each of the above counts run concurrently.

For each of the five counts of Assault on a Minor: 5 years to the Montana Women's Prison, all suspended, to run concurrently with each other, but consecutively to the Assault With a Weapon counts.

This allows for 20 years of supervision, in some form, over the Defendant. If she avails herself to treatment of her anger issues and completes her programming successfully, she may be free in much less time. This is also commensurate with the sentencing statistics as stated above.

The State does not seek restitution or a fine in this matter.

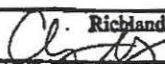
DATED this 8th day of April, 2022.



CHARITY MCLARTY
DEPUTY COUNTY ATTORNEY

CERTIFICATE OF SERVICE

This is to certify that the foregoing was duly served by email
upon all counsel of record this 8th
day of April 2022

BY  _____
Richland Co. Attorney
Law & Justice Center
300 12th Ave NW
Sidney, MT 59270