

1 **KELLY J. VARNES**
2 **DANIEL BALL**
3 **HENDRICKSON LAW FIRM, P.C.**
4 208 North Broadway, Suite 324
5 P.O. Box 2502
6 Billings, MT 59103-2502
7 Telephone: (406) 245-6238
8 email: kelly@hendricksonlawmt.com
9 dan@hendricksonlawmt.com

10 Attorneys for Defendant

CLERK OF THE
DISTRICT COURT
TERRY HALPIN

2021 JAN 12 P 1:43

FILED

BY _____
DEPUTY

11
12 **MONTANA THIRTEENTH JUDICIAL DISTRICT COURT,**
13 **YELLOWSTONE COUNTY**

14 STATE OF MONTANA,

15 Plaintiff,

16 vs.

17 BRENT DAVID SKELTON,

18 Defendant.

) Cause No. DC 19-1126

) Judge: Gregory R. Todd

19 **ADVICE OF RIGHTS AND**
20 **PLEA AGREEMENT**

21 I, BRENT DAVID SKELTON, am prepared to enter a plea of guilty to Counts I and III
22 of the Second Amended Information in the above-entitled matter. This plea is being voluntarily
23 made and is not the result of force or other coercion. I acknowledge that my attorney has explained
24 to me and advised me of the following and I fully understand:

25 1. **Offense/Penalty/Lesser Included Offenses:**

I am charged in Count I of the Second Amended Information with
the offense of Sexual Assault (Felony) in violation of Mont. Code
Ann. §45-5-502(1) and (3).

The maximum penalty for the offense is a fine of up to \$50,000.00,
or life imprisonment, or imprisonment for a term of not less than
four years or more than one hundred years, or both.

I am charged in Count III of the Second Amended Information with
the offense of Sexual Assault (Felony) in violation of Mont. Code Ann.
45-5-502(1) and (3).

1 The maximum penalty for the offense is a fine of up to \$50,000.00,
2 or life imprisonment, or imprisonment for a term of not less than four years or more
than one hundred years, or both.

3 **2. Right to Trial/Not Guilty Plea:**

4 I have the right to plead Not Guilty or to persist in that plea if it has already been
5 made.

6 **3. Advice of Rights:**

7 I have the right to be tried by a judge or a jury, and at that trial I have the following
8 rights:

- 9 a. The right to the assistance of competent and effective counsel;
- 10 b. The right to have witnesses testify on my behalf;
- 11 c. The right to confront and cross-examine witnesses against me;
- 12 d. The right to not be compelled to incriminate myself;
- 13 e. The right to require my guilt to be proven beyond a reasonable doubt; and
- 14 f. The right to challenge any evidence that has been illegally seized.

15 **4. Waiver of Rights:**

16 By entering into a plea of guilty, I give up the right to trial by jury or judge, the right to
17 have witnesses testify on my behalf, the right to confront and cross-examine witnesses against me,
18 the right not to be compelled to incriminate myself, and the right to appeal any finding of guilt.

19 **5. Plea Agreement/Sentence Recommendation:**

20 In return for my guilty pleas to Counts I and III of the Second Amended Information
21 charging Sexual Assault (felony), the State agrees to dismiss Count II at sentencing. The plea is
22 pursuant to Mont. Code Ann. 46-12-211(1)(c). Both parties are free to argue for the appropriate
23 sentence.

24 **6. Competency Issues:**

25 I am not suffering any emotional or mental disability from any cause including mental

1 defect or impairment. I am not under the influence of any drugs or alcohol. I fully understand
2 what I am doing.

3 7. **Factual Basis:**

4 I enter a guilty plea to Counts I and III of the Second Amended Information because I am
5 guilty of those offenses. I admit during the 2018 - 2019 school year I was a fifth grade teacher at
6 Orchard Elementary School within Yellowstone County. During that year I knowingly and
7 purposefully touched two of my female students, KD and CR, inappropriately. KD was born in
8 2008 and CR was born in 2007, so both were under the age of fourteen. The touching consisted
9 of sexual contact with the intimate parts (buttocks and vaginal area) of these two female students
10 over and under their clothing to arouse or gratify the sexual response of either person. These
11 instances occurred in the classroom during school hours.

12 8. **Services of Counsel:**

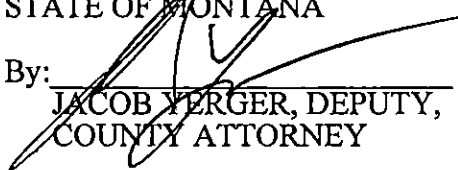
13 I am satisfied with my attorneys' services and advice and I have had adequate time to
14 prepare a defense. I have received a copy of all of the discovery and investigative reports in this
15 case and have reviewed those with my attorneys.

16 9. **No Other Promises:**

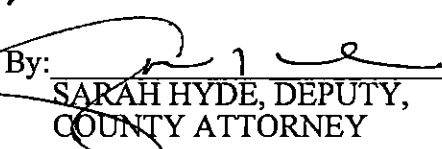
17 I acknowledge receiving a copy of this agreement. No other promises have been made to
18 me.

19 DATED this 12th day of January, 2021.

20 STATE OF MONTANA

21 By: 

22 JACOB YERGER, DEPUTY,
23 COUNTY ATTORNEY

24 By: 

25 SARAH HYDE, DEPUTY,
 COUNTY ATTORNEY


BRENT DAVID SKELTON
DEFENDANT

HENDRICKSON LAW FIRM, P.C.
P.O. Box 2502
Billings, MT 59103-2502
Attorneys for Defendant

By: 

KELLY J. VARNES