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MONTANA THIRD JUDICIAL DISTRICT COURT
ANACONDA-DEER LODGE COUNTY

STATE OF MONTANA, Plaintiff, v. MICHAEL PAUL BROWN, Defendant.	Cause No DC-25-50 JOINT MOTION TO DETERMINE DEFENDANT'S FITNESS TO PROCEED and MOTION FOR ADDITIONAL MENTAL HEALTH EXAMINATION
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COMES NOW Morgan N. Smith, County Attorney for Anaconda-Deer Lodge County, and for the State of Montana, and W. M. Hennessey and Christopher P. White on behalf of the Defendant, Michael Paul Brown, and hereby moves this Court to make a finding to determine the Defendant's fitness to proceed in the above captioned matter. The parties further move the Court for an Order for Additional Mental Health Examination.

The State filed an Amended Information on September 2, 2025, charging the Defendant with Count I: Deliberate Homicide, Count II: Deliberate Homicide, Count III:

Deliberate Homicide, Count IV: Deliberate Homicide, Count V: Attempted Arson, Count VI: Theft, and Count VII: Fleeing or Eluding Peace Officer. During the pendency of this case, concerns regarding the Defendant's fitness to proceed have been raised.

On November 6, 2025, the Defendant filed a Fitness Evaluation under seal with this Court. Neither the State nor the Defendant contest the findings of the report filed under Montana Code Annotated § 46-14-206. The State does note that the report was subject to some limitations related to access to necessary records and the author of the report, Loretta L. Bolyard, PhD, noted an intention to supplement the report upon receipt of such materials. No such supplemental report has been received at this time. Upon receipt of additional information, or pursuant to the below request for an additional mental health examination, the State reserves the right to readdress the fitness finding of Dr. Bolyard's report. Given that neither party contests the finding of the report at this time, the parties request that the Court make the determination of the Defendant's fitness to proceed on the basis of the report pursuant to Montana Code Annotated § 46-15-221.

In the event the Court determines the Defendant lacks fitness to proceed, the parties request that the Court suspend the proceedings against the Defendant and order the Defendant to be committed to the custody of the director of the Department of Public Health and Human Services to be placed in an appropriate mental health facility as defined in MCA § 53-21-102, or a residential facility, as defined in MCA § 53-20-102, of the Department of Public Health and Human Services for so long as the unfitness endures or until disposition of the Defendant is made pursuant to this section, whichever occurs first. Mont. Code Ann. § 46-14-221(2)(a). The parties also request that this Court set a Status

Hearing within 90 days of the Defendant's commitment to review his fitness to proceed. Mont. Code Ann. § 46-14-221(3)(a).

Further, given the limitation on the Fitness Evaluation that currently exists within the record, the parties request that this Court order a Mental Health Examination pursuant to Montana Code Annotated § 46-14-202. The parties request that the Court request that the superintendent of the Montana State Hospital designate at least one qualified psychiatrist, licensed clinical psychologist, or advanced practice registered nurse to examine and report upon the Defendant's mental condition. The parties request that the Defendant be committed to a hospital or other suitable facility for the purpose of the examination for a period not to exceed 60 days or a longer period that the court determines to be necessary for the purpose. Mont. Code Ann. § 46-14-202(2).

The parties request that the examination contain an evaluation of the Defendant's fitness to proceed based upon a complete review of the defendant's current mental status and relevant medical and mental health history, which was previously unavailable to Dr. Bolyard. The parties further request that the evaluation contain an opinion as to the capacity of the Defendant to have a particular state of mind that is an element of the offenses charged, and an opinion as to the capacity of the Defendant to appreciate the criminality of the Defendant's behavior or to conform the Defendant's behavior to the requirement of the law.

Given the above request for placement with the Department of Public Health and Human Services pursuant to Montana Code Annotated § 46-14-221 and the 90-day timeline that accompanies that request, the parties ask that the Court extend the 60-day

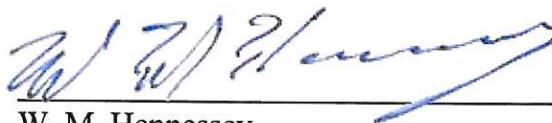
timeframe permitted in Montana Code Annotated § 46-14-202 to mirror the 90-day timeline. The parties request that this Court set a Status Hearing within 90 days of the Defendant's commitment to review the status of the mental health examination.

The parties request that this Court is an Order consistent with its findings.

Dated this 15th day of December, 2025.



Morgan N. Smith
Anaconda-Deer Lodge County Attorney



W. M. Hennessey
Attorney for Defendant

CERTIFICATE OF SERVICE

I, Morgan N. Smith, hereby certify that I have served true and accurate copies of the foregoing Motion - Motion to the following on 12-15-2025:

Walter M. Hennessey (Attorney)
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Service Method: eService

Christopher P. White (Attorney)
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Representing: Michael Paul Brown
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Electronically signed by Melissa Huotte on behalf of Morgan N. Smith
Dated: 12-15-2025