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FILED THIS 27th DAY
OF March 20 06
SHARON G. GULL, CLERK
BY Shaun Donovan

MONTANA FOURTH JUDICIAL DISTRICT COURT, MINERAL COUNTY

STATE OF MONTANA,
Plaintiff,

Dept. 1
Cause No. D2005-8
MOTION FOR FIST FIGHT

-vs-

Jesse Mauher,
Defendant.

COMES NOW counsel for Defendant, through his and respectfully requests this Court to Order a fist fight between Shaun Donovan and John Conner on one sided and Kirk Krutilla and Bill Buzzell on the other side.

ARGUMENT

Shaun Donovan and John Conner have consistently maintained that it was perfectly right, legal and moral for the stronger Matt Palagi to beat up Demetrius Joslin. They have maintained that Joslin did not have to worry because Matt's drunk and stoned friends would jump in and protect Joslin.

The defense team disagrees but would love to give Donovan and Conner a chance to stand up for the principle they stand up for, i.e. the brutal humiliation and beating up of weaker human beings is the most cherished principle in life. Therefore; the defense moves that before the hearing April 17, 2006 that the state be given a chance on what they cherish in a resolution of dispute and that there be a fist fight with one side being Mr. Conner and Mr. Donovan and the other side being Kirk Krutilla and Bill Buzzell. For further insurances, that Conner and Donovan don't get beat up to bad,

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1 an group of defense attorney's drunk and stoned friends will be there to assure
2 Conner's and Donovan's safety.

4 RESPECTFULLY SUBMITTED: March 27, 2008.

[Handwritten Signature]

Kirk Krutilla,
Attorney for the Defendant

CERTIFICATE OF SERVICE

8 The undersigned certifies that a true and correct copy of this foregoing MOTION was
9 hand delivered to the Office of the County Attorney of MINERAL County, and was
10 mailed to the State Attorney General's office on

11 27 day of March, 2006.

13 *[Handwritten Signature]*

14 Kirk Krutilla

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1 M. SHAUN DONOVAN
2 Mineral County Attorney

3 [Redacted]
4 [Redacted]
5 [Redacted]

7 JOHN P. CONNOR
8 Assistant Attorney General
9 Special Deputy Mineral County Attorney

10 [Redacted]
11 [Redacted]

FILED THIS 28th DAY
OF March 2006
SHARON G. GULL, CLERK
BY: [Signature]

12 MONTANA FOURTH JUDICIAL DISTRICT COURT, MINERAL COUNTY

14 THE STATE OF MONTANA,
15 Plaintiff,
16 vs.
17 JESSE JAMES MAUHAR,
18 Defendant.

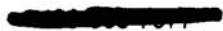
Dept. No. 1
Cause No. DC2005-8

STATE OF MONTANA'S
RESPONSE TO
"MOTION FOR FIST FIGHT"

21 COMES NOW the State of Montana, by and through the
22 undersigned County Attorney of Mineral County, and responds to the
23 motion of the Defendant filed herein on March 27, 2006 and styled "Motion
24 for Fist Fight" by requesting, for the reasons set forth below, that the Court
25 deny the same.
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28 1. The Defendant's Motion recklessly misstates the position the
29 State of Montana has taken from the inception of this matter. Rather than
30 arguing, as the Defendant asserts, that "...it was perfectly right, legal and

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1 moral for the stronger Matt Palagi to beat up Demetrius Joslin ... because
 2 Matt's drunk and stoned friends would jump in and protect Joslin," the
 3 State has asserted from the outset that the infliction of thirteen lethal stab
 4 wounds on an unarmed aggressor by Joslin and the Defendant, Jesse
 5 Mauhar, went far beyond what was necessary for self defense and not a
 6 legally justifiable use of deadly force. By executing Mr. Palagi for his
 7 alleged bullying, Joslin and Mauhar precluded law enforcement officials
 8 from taking any action in response to bad behavior by the decedent. This
 9 cannot be rationally interpreted as endorsing such conduct.
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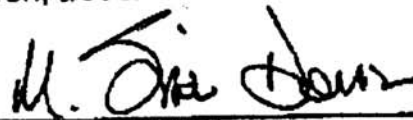
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 12 2. The latitude normally given to the exercise of free speech,
 13 especially that which, however ill conceived, is intended as humorous,
 14 should not extend to filed court pleadings in a case which has lead to the
 15 death of one young man, serious and possibly permanent injury to others
 16 and the specter of long imprisonment and community strife for others.
 17

18
 19 3. While counsel for the State are confident they could acquit
 20 themselves respectably if it were necessary to settle any part of this
 21 matter by means of a physical contest, ancient methods of trial by fire,
 22 water and the like no longer have any place in our system of justice.
 23 Counsel for the Defense does a disservice to himself, his client, the
 24 judicial process and all who have a stake in this matter, by attempting to
 25 trivialize the issues in this case by suggesting, even in jest, that the Court
 26 authorize a fist fight.
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4. Defendant's motion violates the ethical rules which govern the legal profession and the specific order of this Court requiring all counsel to abide by Rule of Professional Conduct 3.6 governing trial publicity.

DATED this 28th day of March, 2006.



M. Shaun Donovan
Mineral County Attorney

CERTIFICATE OF SERVICE

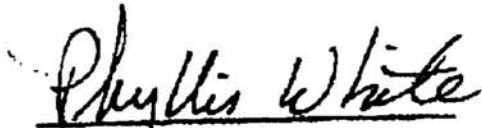
I hereby certify that on the 28th day of March, 2006, a copy of the foregoing was served on the following either via hand delivery or by prepaid, first class U.S. Mail:



Superior, MT 59872



Hamilton, MT 59840



Legal Assistant
Mineral County Attorney's Office