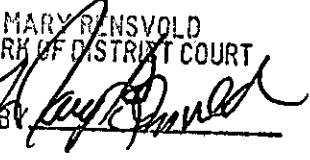


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MARY RINSVOLD
CLERK OF DISTRICT COURT
FILED BY 
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COUNSEL FOR THE STATE

**MONTANA TWENTIETH JUDICIAL DISTRICT COURT
LAKE COUNTY**

STATE OF MONTANA, Plaintiff, v. KENNETH BRITTON COTTER, Defendant.	Cause No. DC-24-205 The Honorable Jennifer B. Lint ACKNOWLEDGMENT AND WAIVER OF RIGHTS AND PLEA AGREEMENT
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The State of Montana, by and through Assistant Attorneys General and Special Deputy Lake County Attorneys Meghann Paddock and Caitlin Creighton, and the Defendant KENNETH BRITTON COTTER, by and through his Attorneys of record, Colin Stephens, Jordan Kilby, and Robert Long, hereby enter the following *Acknowledgment and Waiver of Rights and Plea Agreement*:

ACKNOWLEDGMENT OF RIGHTS

I, KENNETH BRITTON COTTER, the Defendant in the above-entitled matter, have had an opportunity to examine the charges brought against me, including the investigative file, and after consultation with my attorneys and being fully advised, acknowledge my rights, and agree to enter pleas of guilty as hereinafter set forth.

I acknowledge that my attorneys Colin Stephens, Jordan Kilby, and Robert Long have explained to me and advised me of the following, and answered any questions that I had about the following, and I now fully understand that:

1. I have the right to challenge the sufficiency of the Information and the affidavit supporting it;
2. I have the right to object to any evidence that may have been obtained in violation of law;
3. I have the right to plead not guilty, and to persist in that plea, and thereby place the burden of proof in proving my guilt upon the prosecution beyond a reasonable doubt as to all elements of each charge;
4. I have the right to a speedy and public trial by jury. I acknowledge that at such trial I have the following rights:
 - a. the right to the effective assistance of counsel;
 - b. the right to confront and cross-examine witnesses against me;
 - c. the right to testify;
 - d. the right to call and have witnesses testify on my behalf;
 - e. the right not to be compelled to incriminate myself; and
 - f. the right to have the charges proven beyond a reasonable doubt and to appeal a finding of guilty.
5. I am charged with the following offenses:

COUNT I: Solicitation to Commit Criminal Distribution of Dangerous Drugs, a felony, in violation of Mont. Code Ann. § 45-4-101 and § 45-9-101 (2021), punishable by not more than 25 years in the Montana State Prison and/or a fine not to exceed \$50,000.

COUNT II: Attempted Criminal Possession of Dangerous Drugs, a felony, in violation of Mont. Code Ann. § 45-4-103 and § 45-9-102 (2021), punishable by not more than 5 years in the Montana State Prison, and/or a fine not to exceed \$5,000.

COUNT III: Attempted Criminal Possession of Dangerous Drugs, a felony, in violation of Mont. Code Ann. § 45-4-103 and § 45-9-102 (2021), punishable by not more than 5 years in the Montana State Prison, and/or a fine not to exceed \$5,000.

If convicted of these offenses, I understand that the sentences could run consecutively.

6. By entering a plea of guilty I will waive or give up those rights mentioned above, with the exception of the right to effective assistance of counsel, which may be examined through postconviction proceedings to determine whether my plea of guilty was voluntary;

7. I have had ample time and opportunity to discuss this case with my attorneys Colin Stephens, Jordan Kilby, and Robert Long. I received the full benefit of her advice and I am satisfied with the services of my attorneys;

8. I am not suffering from any mental disease or defect, or any emotional disability, nor am I acting under the influence of alcohol, drugs, or prescription medicine that would preclude me from making any knowing, intelligent, and voluntary decision or plea;

9. I have not been threatened, coerced, forced, intimidated, or influenced in any way;

10. I have entered into this agreement freely and voluntarily and

with full knowledge of its terms and conditions. I have fully understood the advice provided to me by my attorneys Colin Stephens, Jordan Kilby, and Robert Long;

11. I understand that a plea bargain agreement is an agreement between a defendant and a prosecutor that in exchange for particular actions and a particular plea, the prosecutor will be obligated to fulfill any requirements set forth in the plea agreement;

12. I understand that this agreement is made pursuant to Mont. Code Ann. § 46-12-211(1)(b) (2015), whereby the prosecutor and myself agree that a specific sentence is the appropriate disposition of the case. I also understand that the Court may not participate in the making of this agreement nor is the Court required to sentence the Defendant (me) pursuant to this agreement. I understand that if the Court sentences me to a sentence harsher than what is allowed by the agreement, that I will have the right to withdraw my plea of guilty.

I also understand by entering into this plea agreement I will waive all rights to appeal any pretrial issue in the case with the exception of the right to effective assistance of counsel, which may be examined through postconviction proceedings to determine whether my plea of guilty was voluntary. However, I may seek review of my sentence by the Sentence Review Division should the Court sentence me to a sentence greater than what is agreed upon by the State and the Defendant;

13. I have discussed with my attorneys the sentencing laws of the State of Montana contained in Title 46, Chapter 18 of the Montana Code Annotated, and the maximum possible penalty for the offenses to which I will plead guilty, and have been advised of the most severe sentence that can be imposed;

14. I have considered the most severe sentences that could be imposed; I have not been threatened, coerced, forced, intimidated or influenced in any way. I believe it is in my interest to plead guilty. My attorneys left the decision totally to me, advising only of the possible consequences of going to trial; and

15. The plea agreement encompasses all of the understandings of the parties. No other promises have been made to me other than those specified in the plea agreement.

16. I agree and acknowledge that:

- a. A *Pre-Sentence Investigation Report* should be prepared;
- b. I am required to cooperate with the preparation of a *Pre-Sentence Investigation Report* as a bond condition imposed by the District Court, and as a condition of this *Plea Agreement*;
- c. I am capable of working and earning an income to pay the fines, fees, surcharges, and costs outlined herein and that:
 - i. I may seek remission or modification of the obligation to pay such expenses after sentencing pursuant to § 46-18-232(3), MCA;
 - ii. Interest may apply on unpaid expenses as set forth in § 46-18-231(5), MCA.
- d. I am capable of working and earning an income to pay restitution as outlined herein, and that:
 - i. I shall pay the cost of supervising the payment of restitution pursuant to § 46-18-241(2)(a), MCA;
 - ii. I may seek modification of the obligation to pay restitution after sentencing pursuant to § 46-18-241(3), MCA;

- iii. Interest may apply on unpaid expenses, including restitution, as set forth in § 46-18-241(4), MCA;
- e. I have consulted with my attorneys and agree and acknowledge that none of the exceptions to the mandatory minimum sentences, restrictions on deferred sentences, or restrictions on parole eligibility set forth in § 46-18-222, MCA, apply in this case.
- f. I agree and acknowledge that any restriction on parole or participation in the supervised release program contemplated herein is necessary for the protection of society.
- g. This plea agreement and addendum encompasses all of the understandings of the parties. No other promises have been made to me other than those specified in the plea agreement and the addendum.

Dated this 19th day of November, 2025.

Kenneth Cotter

Kenneth Britton Cotter, Defendant

17. I, Colin Stephens, have discussed all of the Defendant's above rights with him. I have answered all of his questions and believe he understands his above rights.

Colin Stephens

Colin Stephens, Attorney for Defendant

18. I, Jordan Kilby, have discussed all of the Defendant's above rights with him. I have answered all of his questions and believe he understands his above rights.

Jordan Kilby

Jordan Kilby, Attorney for Defendant

19. I, Robert J. Long, have discussed all of the Defendant's above rights with him. I have answered all of his questions and believe he understands his above rights.

Robert Long

Robert J. Long, Attorney for Defendant

PLEA AGREEMENT

1. The Defendant will plead guilty and provide the Court with a factual basis which establishes the Defendant's guilt to the entirety of the conduct set forth in Counts I, II, and III of the *Information* as follows:

COUNT I: Solicitation to Commit Criminal

Distribution of Dangerous Drugs, a felony, in violation of Mont. Code Ann. § 45-4-101 and § 45-9-101 (2021): On or about or between March 16, 2022, and May 31, 2023, the Defendant, Kenneth Britton "Britt" Cotter, with the purpose that the offense of criminal distribution of dangerous drugs be committed, encouraged or facilitated another, Jane Doe, to commit the offense of criminal distribution of dangerous drugs, to-wit: to sell or exchange cocaine, a schedule II dangerous drug, as defined in Mont. Code Ann. § 50-32-101. This offense is punishable by not more than 25 years in the Montana State Prison and/or a fine not to exceed \$50,000.

COUNT II: Attempted Criminal Possession of

Dangerous Drugs, a felony, in violation of Mont. Code Ann. § 45-4-103 and § 45-9-102 (2021): On or about or between March 16, 2022, and August 17, 2022, the Defendant, Kenneth Britton "Britt" Cotter, with the purpose that criminal possession of dangerous drugs be committed, committed an act toward the commission of criminal *JANE* possession of dangerous drugs, to-wit: sent money to J. Doe as payment in exchange for cocaine, a schedule II dangerous drug, as defined in Mont. Code Ann. § 50-32-101.

This offense is punishable by not more than 5 years in the Montana State Prison, and/or a fine not to exceed \$5,000.

COUNT III: Attempted Criminal Possession of Dangerous Drugs, a felony, in violation of Mont. Code Ann. § 45-4-103 and § 45-9-102 (2021): On or about or between September 30, 2022, and October 7, 2022, the Defendant, Kenneth Britton "Britt" Cotter, with the purpose that criminal possession of dangerous drugs be committed, committed an act toward the commission of criminal ~~JANE~~ possession of dangerous drugs, to-wit: sent money to Doe as payment in exchange for cocaine, a schedule II dangerous drug, as defined in Mont. Code Ann. § 50-32-101. This offense is punishable by not more than 5 years in the Montana State Prison, and/or a fine not to exceed \$5,000.

2. The Defendant agrees and will also state in Court that that he is pleading guilty to Counts I, II, and III of the Information because he is in fact guilty of these offenses.

4. The Defendant agrees and will state on the record that he is completely satisfied with his attorneys Colin Stephens and Robert J. Long, and that Mr. Stephens and Mr. Long have done everything that was requested of them by the Defendant.

5. The parties will jointly recommend that the following sentences be imposed:

- a. For the offense of **COUNT I: Solicitation to Commit Criminal Distribution of Dangerous Drugs, a felony**, in violation of Mont. Code Ann. § 45-4-101 and § 45-9-101 (2021): a three (3) year deferred imposition of sentence.
- b. **For the offense of COUNT II: Attempted Criminal Possession of Dangerous Drugs**, a felony, in violation of Mont. Code Ann. § 45-4-103 and § 45-9-102 (2021): a three (3) year

deferred imposition of sentence. Count II will run concurrently to Count I.

- c. **For the offense of COUNT III: Attempted Criminal Possession of Dangerous Drugs**, a felony, in violation of Mont. Code Ann. § 45-4-103 and § 45-9-102 (2021): a three (3) year deferred imposition of sentence. Count III will run concurrently to Counts I and II.

Additionally, the Defendant shall not be permitted to argue for a lesser sentence than the above agreed upon sentencing range at a Sentence Review Hearing.

6. The parties will jointly recommend that the Defendant be ordered to pay the following Fines, Fees, and Surcharges:

- a. **Surcharges**: The Defendant shall pay the following fees and surcharges:
- a. \$20.00 for **each** felony for the surcharge set forth in § 46-18-236(1)(b), MCA. The surcharge shall be payable to the Clerk of District Court for subsequent deposit with the county finance officer for use in accord with § 46-18-236(6), MCA.
 - b. \$15.00 for **each** misdemeanor for the surcharge set forth in § 46-18-236(1)(b), MCA. The surcharge shall be payable to the Clerk of District Court for subsequent deposit with the county finance officer for use in accord with § 46-18-236(6), MCA.
 - c. \$50.00 for **each** felony and/or misdemeanor charge for the surcharge set forth in § 46-18-236(1)(c), MCA, payable to the Clerk of District Court. The surcharge shall be payable to the Clerk of District Court for subsequent deposit with the county finance officer for use in accord with § 46-18-236(7), MCA.
 - d. \$10 for the technology user fee set forth in § 3-1-317(a), MCA, payable to the Clerk of the District Court.

2. **Costs**: The Defendant shall pay the following costs:

- a. \$_____ for the cost of any unpaid pretrial drug testing costs owed to Compliance Monitoring Systems pursuant

to § 46-18-232(1), MCA, payable to Compliance Monitoring System.

- a. \$100 for the cost of prosecution pursuant to § 46-18-232, MCA, payable to: Lake County.
- b. \$50 for the preparation of the *Presentence Investigation Report* set forth in § 46-18-111(3), MCA, payable to the Montana Department of Corrections.

6. The parties reserve the right to argue for or against any conditions of probation recommended in the PSI regarding any suspended portion of Defendant's sentence. The parties stipulate and agree that Defendant's conditions of sentence during his custodial time and any term of parole shall be those set by the Department of Corrections.

7. The Defendant understands and agrees that he is responsible to the Montana Office of Disciplinary Counsel ("ODC") and shall cooperate with the ODC process with regard to his license to practice law.

8. The Defendant understands and agrees that he will be required to abide by Substance Abuse Conditions, including but not limited to the following:

- a. The Defendant shall obtain and pay for a new chemical dependency evaluation from a provider approved by the Court prior to sentencing including his admitted conduct, and shall abide by all conditions set forth therein.
 - i. The Defendant understands and agrees that he shall pay for and successfully complete any recommended chemical dependency treatment.
 - ii. The Defendant agrees to provide the Court, the State, and his supervising officer with progress updates at such interval as his treatment provider deems appropriate, as well as a completion report upon successful completion of his treatment program.
- b. The Defendant shall not consume alcohol, marijuana, and/or any dangerous drug as defined in § 50-32-101, MCA, without a prescription.

- c. The Defendant shall not enter any bars, marijuana dispensaries, or any other location where alcohol or marijuana is the principal item of sale.
- d. The Defendant shall advise all medical personnel of the Defendant's addiction history/conviction, including alcohol, marijuana, and/or any dangerous drug as defined in § 50-32-101, MCA.
- e. The Defendant shall participate in a program specifically designed to monitor and address the Defendant's use of intoxicants, for a period of time to be determined by the Probation & Parole Officer, if the Officer deems it necessary and the program is available. The Defendant shall be responsible for the cost of such program.

10. Except as provided in Section 7, the Defendant shall not have contact, by any means, with the complaining witness(es), co-conspirators, or any other witnesses identified in or through discovery, nor shall he share the identity of any of the same with anyone.

11. The Defendant understands and agrees that he shall submit to DNA testing as required by Title 44, Chapter 6, Part 1, M.C.A.

12. The Defendant understands and agrees that he may be required to pay the costs of his probation, if probation is ordered by the Court and the Court finds he is financially able to do so.

Conditional Agreement: For the Defendant, the terms of this *Plea Agreement* are conditioned on the following requirements:

1. The Defendant understands and agrees that the State may withdraw from the terms of the *Plea Agreement* if the Defendant: (1) fails to lay a sufficient factual basis for the plea required in § 2 to the satisfaction of the State and the District Court; or (2) fails to recommend the sentence as set forth in § 4, or (3) fails to abide by the terms set forth

in the Addendum filed contemporaneously herewith. In such an event the State and the District Court shall no longer be bound by the terms of this *Plea Agreement*, but the Defendant shall **not** be permitted to withdraw his plea.

2. If the District Court finds by a probable cause determination that between entry of the plea and the time of sentencing the Defendant failed to act as a good citizen, violated any condition of release on bail, violated any criminal law, failed to cooperate in any way with the preparation of a *Pre-Sentence Investigation Report*, or if the Defendant fails to recommend the sentence as set forth herein, the State and the District Court shall no longer be bound by the terms of this *Plea Agreement*, but the Defendant shall not be permitted to withdraw his plea.

Summary of Agreement

In summary the State and the Defendant shall recommend that the Defendant receive a total sentence of a 3-year deferred imposition of sentence.

Kenneth Cotter

Kenneth Britton Cotter
Defendant

DATE: November 19, 2025

Colin Stephens

Colin Stephens
Attorney for Defendant

DATE: November 19, 2025

Jordan Kilby

Jordan Kilby
Attorney for Defendant

DATE: November 19, 2025

Robert Long

Robert J. Long
Attorney for Defendant

DATE: November 19, 2025

Meghann Paddock

Meghann Paddock
Assistant Attorney General

DATE: November 18, 2025

Caitlin Creighton

Caitlin Creighton
Assistant Attorney General

DATE: November 17, 2025