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NO.
FILED
JUL 19 2018
VALERIE J. HORNSVELD
AUDREY PLYMALE

MONTANA FIRST JUDICIAL DISTRICT COURT, BROADWATER COUNTY

THE STATE OF MONTANA, Plaintiff, v. LLOYD MORTIER BARRUS, Defendant.	Cause No. CDC-2017-15 **WITHDRAWAL OF NOTICE OF INTENT TO SEEK DEATH PENALTY**

The State of Montana, by and through the under-signed Broadwater County Attorney, provides notice to the Court, the Defendant Lloyd Barrus, and his Defense Counsel Greg Jackson and Craig Shannon, that it hereby withdraws its Notice to seek the imposition of a death penalty sentence in this case, which had been filed on July 25, 2017 pursuant to Mont. Code Ann. § 46-18-301, et. seq.

This withdrawal comes after extensive analysis of the Defendant's history of mental health, including the fact that he is currently unfit to proceed due to his mental illness. The State is aware the Court could view the Defendant's mental health as a sufficiently mitigating

circumstance to impose a sentence other than death, pursuant to Mont. Code Ann. §§ 46-18-304 & -305. This withdrawal is not in response to the Defendant's motion, filed through Counsel, challenging the Constitutionality of the death penalty. The State views that challenge as without merit.

Based upon the Defendant's prior mental health treatment, the State firmly believes he will again be found mentally fit to proceed if the proposed mental health treatment plan is enforced pursuant to statute. The State fully expects to try this case before a jury, and believes the Court will have the opportunity to hold the Defendant accountable through a just sentence, which includes up to imprisonment for life without the possibility of parole.

Respectfully submitted this 19 day of July, 2018.

Broadwater County Attorney

CERTIFICATE OF SERVICE

I hereby certify that I caused a true and correct copy of the foregoing Motion to be e-mailed and/or mailed to the following:

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Broadwater County Attorney Office

7/19/2018
Date