

1 Hon. Jason Marks  
2 Department No. 4  
3 Fourth Judicial District  
4 Missoula County Courthouse  
5 Missoula, MT 59802  
6 (406) 258-4780

7  
8 MONTANA FOURTH JUDICIAL DISTRICT COURT, MISSOULA COUNTY

9 STATE OF MONTANA,

Dept. No. 4

10 Plaintiff,

Cause No. DC-32-2019-0000567-IN

11 -vs-

12 ANDREW LANCE BOHLMAN,

**JUDGMENT**

13 Defendant.

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15 The above-entitled cause came on regularly before the Court upon the application of  
16 Michael J. Gee, Deputy County Attorney of Missoula County, State of Montana, for leave  
17 to file an Information accusing the Defendant of the following crime:

Count Number	Offense	M.C.A. §
1	Medicaid Fraud – Common Scheme, a Felony	45-6-313(4)(b)

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21 Whereupon leave to file the Information having been granted and the Defendant  
22 being informed of all Defendant’s legal rights, the Defendant was duly arraigned, answered  
23 to Defendant’s true name, and the reading of the Information was waived.

24 The Defendant was represented by attorney Dwight J. Schulte at all stages of these  
25 proceedings.  
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1 On October 15, 2019, IT WAS ADJUDGED AND DECREED that the Defendant is  
2 guilty of the offense charged.

3 A Pre-sentence Investigation Report was ordered and the Court having received and  
4 reviewed the report and being fully advised of the facts of this case,

5 The Court ORDERED the sentence and judgment as follows:

Count #	M.C.A.	Finding	Total Sentence	Time Suspended	Deferral Date	Confinement Facility	Confinement Comment Consecutive or Concurrent
1	45-6-313(4)(b) -- Medicaid Fraud -- Common Scheme, a Felony	Guilty	6-year deferred imposition of sentence		12/02/25		

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11 The Court ordered the Defendant to pay restitution in the amount of one hundred  
12 thousand dollars (\$100,000.00) along with the corresponding administrative fee.

13 The terms and conditions of probation are:

- 14 1. The Defendant shall be placed under the supervision of the Department of  
15 Corrections (DOC), subject to all rules and regulations of Adult Probation & Parole.
- 16 2. The Defendant must obtain prior written approval from his/her Probation Officer  
17 before taking up residence in any location. The Defendant shall not change his/her  
18 place of residence without first obtaining written permission from his/her Probation  
19 Officer or the officer's designee. The Defendant must make the residence open and  
20 available to an officer for a home visit or for a search upon reasonable suspicion. The  
21 Defendant will not own dangerous or vicious animals and will not use any device that  
22 would hinder an officer from visiting or searching the residence.
- 23 3. The Defendant must obtain permission from his/her Probation Officer or the officer's  
24 designee before leaving his/her assigned district.
- 25 4. The Defendant must seek and maintain employment or maintain a program approved  
26 by the Board of Pardons and Parole or the Probation Officer. Unless otherwise  
directed by his/her Probation Officer, the Defendant must inform his/her employer  
and any other person or entity, as determined by the Probation Officer, of his/her  
status on probation, parole, or other community supervision.
5. Unless otherwise directed, the Defendant must submit written monthly reports to  
his/her Probation Officer on forms provided by the Probation and Parole Bureau. The

1 Defendant must personally contact his/her Probation Officer or designee when  
2 directed by the officer.

- 3 6. The Defendant is prohibited from using, owning, possessing, transferring, or  
4 controlling any firearm, ammunition (including black powder), weapon, or chemical  
5 agent such as oleoresin capsicum or pepper spray.
- 6 7. The Defendant must obtain permission from his/her Probation Officer before  
7 engaging in a business, purchasing real property, purchasing an automobile, or  
8 incurring a debt.
- 9 8. Upon reasonable suspicion that the Defendant has violated the conditions of  
10 supervision, a Probation Officer may search the person, vehicle, residence of the  
11 Defendant, and the Defendant must submit to such search. A Probation Officer may  
12 authorize a law enforcement agency to conduct a search, provided the Probation  
13 Officer determines reasonable suspicion exists that the Defendant has violated the  
14 conditions of supervision.
- 15 9. The Defendant must comply with all municipal, county, state, and federal laws and  
16 ordinances and shall conduct himself/herself as a good citizen. The Defendant is  
17 required, within 72 hours, to report any arrest or contact with law enforcement to  
18 his/her Probation Officer or designee. The Defendant must be cooperative and  
19 truthful in all communications and dealings with any Probation Officer and with any  
20 law enforcement agency.
- 21 10. The Defendant is prohibited from gambling.
- 22 11. The Defendant, convicted of a felony offense, shall submit to DNA testing. (§44-6-  
23 103, MCA)
- 24 12. The Defendant shall be given credit against the time served in jail prior to or after  
25 conviction. (§46-18-403, MCA)
- 26 13. The Defendant shall not be given credit against the fine for time served in jail prior to  
conviction. (§46-18-403, MCA)
14. The Defendant will surrender to the court any registry identification card issued under  
the Medical Marijuana Act. [§46-18-202(1)(f), MCA]
15. The Defendant shall not possess or use any electronic device or scanner capable of  
listening to law enforcement communications.
16. The Defendant shall provide yearly credit reports.
17. The Defendant shall not knowingly associate with probationers, parolees, prison  
inmates, or persons in the custody of any law enforcement agency without prior  
approval from the Probation Officer outside a work, treatment, or self-help group

1 setting. The Defendant shall not associate with persons as ordered by the court or  
2 BOPP.

3 18. The Defendant may not be a registered card holder and may not obtain or possess a  
4 registry identification card under the Montana Medical Marijuana Act while in the  
5 custody or under the supervision of the Department of Corrections. Mont. Code Ann.  
6 50-46-307(4).

7 19. The Defendant shall appear at the Missoula County Jail immediately after sentencing  
8 for fingerprinting/processing.

9 20. The Defendant acknowledges that the Office of the Inspector General will be notified  
10 of this conviction and that the OIG may suspend the Defendant's ability to submit  
11 Medicaid claims. The Defendant acknowledges the State has no control over the OIG  
12 and their decision to place the Defendant on the Exclusion List.

13 21. The Probation Officer shall determine the amount of supervision fees (§46-23-1031,  
14 MCA) to be paid each month in the form of money order or cashier's check to the  
15 Department of Corrections Collection Unit, P.O. Box 201350, Helena, MT 59620  
16 (\$50 per month if the Defendant is sentenced under §45-9-202, MCA, dangerous drug  
17 felony offense and placed on ISP). The DOC shall take a portion of the Defendant's  
18 inmate account if the Defendant is incarcerated.

19 22. A \$50 fee at the time a PSI report is completed, unless the court determines the  
20 Defendant is not able to pay the fee within a reasonable time (§46-18-111, MCA).  
21 The Defendant shall submit this payment to the Department of Corrections Collection  
22 Unit, P.O. Box 201350, Helena, MT 59620. The Defendant did not pay the PSI fee.

23 23. **The Defendant shall pay court-ordered restitution to the State of Montana**  
24 **DPHHS in the amount of \$100,000.00 by money order or cashier's check sent to**  
25 **the Department of Corrections, Collection Unit, P.O. Box 201350, Helena, MT**  
26 **59620.** The Defendant shall be assessed a 10% administration fee on all restitution  
ordered. All of the methods for collection of restitution provided under §46-18-241  
through §46-18-249, MCA, shall apply, including garnishment of wages and  
interception of tax refunds. Pursuant to §46-18-244(6)(b), MCA, the Defendant shall  
sign a statement allowing any employer to garnish up to 25% of his/her wages. The  
Defendant shall continue to make monthly restitution payments until he/she has paid  
full restitution, even after incarceration or supervision has ended.

And further the Court ORDERED that the Defendant pay the following fines & fees:

Fine & Fees Description (To be paid to the Missoula District Clerk of Court)	Amount
Fine	0.00
Victim Witness Admin Fee	1.00
Victim Witness Surcharge	49.00
Technology Surcharge	10.00
Prosecution	100.00
Felony Surcharge	20.00
<b>Total Amount Due</b>	<b>\$180.00</b>

The reasons for this Judgment are as follows:

1. The sentence follows the Plea Agreement.
2. The sentence allows for the likelihood that the Montana taxpayers can recuperate the funds fraudulently obtained by the Defendant.
3. The sentence allows for some degree of accountability.
4. The Defendant agreed to the sentence in open court.

The Court ordered the Defendant to report to the Missoula County Detention Facility the day of sentence to complete the book and release process. The Court further ordered the Defendant to report to the probation office to sign the rules of his probation.

Any bail posted was exonerated.

**NOTICE PURSUANT TO § 46-18-116**

If the terms of this written judgment conflict with the sentence or other disposition pronounced orally in Open Court, the Defendant or the State of Montana may request that the Court modify the written judgment to conform to the oral pronouncement. That request must be made within 120 days after filing of the written judgment or the right to request modification is waived. The Court will modify the written judgment to conform to the oral pronouncement at a hearing conducted in the presence of the Defendant unless the right to

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be present is waived or the Defendant elects to proceed using two-way electronic audio video communication as authorized by Section 46-18-116 M.C.A. The right to request modification of this judgment is waived if not exercised within 120 days of filing.

Done in open Court the 2<sup>nd</sup> day of December, 2019.

DATED this \_\_\_\_ day of December, 2019.

Electronically signed below

Jason Marks  
District Judge