

DANIEL M. GUZYNSKI
CAITLIN CREIGHTON
Assistant Attorneys General
Special Deputy Lake County Attorneys
P.O. Box 201401
Helena, MT 59620-1401
Telephone: (406) 444-2026
DGuzynski@mt.gov
Caitlin.Creighton@mt.gov

COUNSEL FOR STATE

MONTANA TWENTIETH JUDICIAL DISTRICT COURT,
LAKE COUNTY

<p>STATE OF MONTANA,</p> <p style="text-align: right;">Plaintiff,</p> <p style="text-align: center;">v.</p> <p>MATTHEW TIMM,</p> <p style="text-align: right;">Defendant.</p>	<p>Cause No. DC-23-321</p> <p><i>The Honorable John W. Larson</i></p> <p>ACKNOWLEDGMENT OF RIGHTS AND PLEA AGREEMENT</p>
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ACKNOWLEDGMENT OF RIGHTS

I, Matthew Timm, 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 a plea of guilty as hereinafter set forth.

I acknowledge that my attorney, Ben Darrow, has explained to me and advised me of the following and I fully understand that:

1. I have the right to challenge the sufficiency of the Amended 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: SEXUAL ABUSE OF CHILDREN, a felony, as specified in Mont. Code Ann. § 45-5-625(1)(b):

On or about between January 1, 2017, and March 31, 2023, the Defendant committed the offense of **SEXUAL ABUSE OF CHILDREN** by knowingly photographing, filming, videotaping, or recording a child under the age of 18 engaging in sexual conduct.

This offense is punishable by the provisions of Mont. Code Ann. § 45-5-625(2)(a), by imprisonment in the Montana State Prison for life or a term not to exceed 100 years, a fine not to exceed \$10,000, or both.

Count II: INCEST, a felony, as specified in Mont. Code Ann. § 45-5-507:

On or about or between January 1, 2017, and September 1, 2019, the Defendant committed the offense of **INCEST** by knowingly having sexual contact with a descendant. At the time of the

offense, the Defendant was four or more years older than the victim and the victim was less than 18 years old.

This offense is punishable by the provisions of Mont. Code Ann. § 45-5-507(3), by imprisonment in Montana State Prison for life or a term not to exceed 100 years, or a fine not to exceed \$50,000.

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 Ben Darrow. I received the full benefit of their advice, and I am satisfied with the services of my attorney;

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 fully understood the advice provided to me by my attorney Ben Darrow.

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.

I understand that this agreement is made pursuant to Mont. Code Ann. § 46-12-211(1)(b), whereby the parties agree that a specific sentence is the appropriate disposition of the case. I understand that the Court does not

participate in the making of this agreement nor is the Court required to accept the agreement. I also understand I may withdraw my plea if the Court rejects the plea agreement and elects to impose a sentence that is less favorable to the sentence contemplated herein.

13. I have discussed with my attorney 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 consequences of going to trial;

15. I have discussed with my attorney, Ben Darrow that at trial, I may be entitled to request that the Court offer and instruct the jury as to a lesser included offense.

For the offense of Incest, these offenses, may include Sexual Assault, a felony, Sexual Assault, a misdemeanor and assault a misdemeanor.

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

Dated this 8TH day of April 2025.


Matthew Timm, Defendant

I, Ben Darrow, have discussed all the Defendant's above rights with him, and we did not need additional time to discuss the case.

/s/Benjamin M. Darrow
Ben Darrow, Attorney for Defendant

PLEA AGREEMENT

The Defendant will enter a guilty plea to the charged offenses of Sexual Abuse of Children, a felony and Incest, a felony, as set forth below:

COUNT I: SEXUAL ABUSE OF CHILDREN, a felony, as specified in Mont. Code Ann. § 45-5-625(1)(b):

On or about between January 1, 2017, and March 31, 2023, the Defendant committed the offense of SEXUAL ABUSE OF CHILDREN by knowingly photographing, filming, videotaping, or recording a child under the age of 18 engaging in sexual conduct.

This offense is punishable by the provisions of Mont. Code Ann. § 45-5-625(2)(a), by imprisonment in the Montana State Prison for life or a term not to exceed 100 years, a fine not to exceed \$10,000, or both.

Count II: INCEST, a felony, as specified in Mont. Code Ann. § 45-5-507:

On or about or between January 1, 2017, and September 1, 2019, the Defendant committed the offense of INCEST by knowingly having sexual contact with a descendant. At the time of the offense, the Defendant was four or more years older than the victim and the victim was less than 18 years old.

This offense is punishable by the provisions of Mont. Code Ann. § 45-5-507(3), by imprisonment in Montana State Prison for life or a term not to exceed 100 years, or a fine not to exceed \$50,000

The Defendant will agree to the allocution below and will admit at the change of plea hearing to the following conduct:

- a. The Defendant will admit that between January 1, 2017 and March 31, 2021, in Lake County, Montana that he surreptitiously videotaped his daughter in her bathroom while she was completely undressed and in partial state of undress.

The Defendant will also admit that he took numerous images of the victim's sexual body parts around the house.

The Defendant admits that images from his video recording of the victim were placed on a thumb drive. The Defendant further admits that he took the above recordings and images for his own sexual gratification and that the images depict sexual conduct.

The Defendant also agrees that the victim was less than 18 years of age when he took the above referenced video recording and images.

The Defendant admits that he did the above acts knowingly.

- b. The Defendant will admit that between January 1, 2017, and March 31, 2021, in Lake County, Montana that he had sexual contact with his daughter who was under was under the age of 18 years old.

The sexual contact consisted of the Defendant touching the victim's genital area outside of her clothing. This occurred while dropping her off at school and while hunting.

The Defendant committed the above acts knowingly and for his own sexual gratification.

- c. The Defendant agrees that he is pleading guilty of these offenses because he is in fact guilty.

- d. The Defendant agrees that he is satisfied with his attorney, Ben Darrow and Mr. Darrow has done everything that he has asked.

The Defendant and the State agree that the parties will recommend that the Defendant be sentenced to the Montana State Prison for a term of 40 years, with all time suspended except for 10 years.

The parties further agree that the Defendant will be ineligible for parole consideration for the entirety of the 10 years he has to serve. Pursuant to Mont. Code Ann. § 46-18-202(2) the parties agree that a parole restriction is necessary for the protection of society and the victim. The parties request that the Court make this finding in the judgement.

Furthermore, the parties agree that the Defendant would be prohibited from requesting an early discharge of his probation.

The Defendant and the State agree that the parties are allowed to argue for any reasonable condition of probation.

The State has consulted with the victim who agrees with the terms of this plea agreement.

SUMMARY OF AGREEMENT

In summary, the Defendant will plead guilty to the offenses of Sexual Abuse of Children, a felony and Incest, a felony. The parties will recommend that the Defendant is sentenced to Montana State Prison for a term of 40 years with all-time suspended except for 10 years. The parties also agree that the Defendant is ineligible for parole for those 10 years


Matthew Timm

DATE: 04/08/2025

/s/Benjamin M. Darrow
Ben Darrow
Attorney for Defendant

DATE: 04/08/2025

Daniel Guzynski

Daniel Guzynski
Assistant Attorney General

DATE: 4/8/2025

/s/ Caitlin Creighton
Assistant Attorney General

DATE: April 7, 2025