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MONTANA EIGHTH JUDICIAL DISTRICT COURT, CASCADE COUNTY
BEFORE THE HONORABLE DAVID GRUBICH

STATE OF MONTANA, Plaintiff, -vs- REESE RUSSELL RIGGIN, Defendant.	Cause No. DC-7-2014-392 **DEFENDANT'S MOTION TO CLOSE HEARING IN WHOLE OR IN PART – OPPOSED; AND BRIEF IN SUPPORT**

INTRODUCTION

Comes now, Reese Riggin, through undersigned counsel, respectfully moves the Court for an order closing the probation revocation hearing to the public and press, or, alternatively, closing only those portions of the hearing in which disclosure of particular testimony or evidence would create a demonstrated risk to the safety or privacy of Defendant or defense witnesses.

This motion is made under § 3-1-312, MCA; Mont. Const. art. II, §§ 9–10; and State ex rel. Great Falls Tribune Co. v. Montana Eighth Judicial District Court, 238 Mont. 310, 777 P.2d 345 (1989). Defendant requests that the Court decide the motion before the hearing begins, receive sensitive supporting facts *in camera*, if necessary, consider less restrictive alternatives, and make findings sufficient to explain the scope of any closure order.

I. FACTUAL BASIS

1. An Evidentiary Hearing has been set in this matter for November 19, 2026, in this Court.

2. Defendant anticipates that the hearing will include testimony and exhibits concerning the allegations in the State's First and Second Petition(s) to Revoke Suspended Sentence.

3. The anticipated witness testimony, if open to the public, would create specific safety concerns, and imperil the privacy interests of one or more defense witnesses.

4. The facts supporting those concerns are that previously, the authors of Letters in Support submitted by the Defendant prior to the July 8, 2026, bail modification hearing were subjected to extreme harassment, torment, threats to personal safety, and suffered personal and financial loss due to their names and addresses being made available to the public via public record. This information was disseminated widely on social media, specifically Facebook, and many commentators called for boycotts, and implied physical violence. In one instance, a business that was previously owned by one author suffered backlash even though the business was no longer associated with said author. The outpouring of vitriol towards Mr. Riggins friends, acquaintances, and supporters was objectively appalling, and borderline illegal. See Exhibits 1 and 2. Further information and exhibits depicting this conduct are available for review *in camera*.

5. Public disclosure of the anticipated testimony and identifying information of the Defendant's witnesses could reasonably expose the witness(es) to similar extreme harassment, threats to their physical safety, and potential physical and personal peril. This risk is real, and nearly certain to occur as demonstrated as described above.

6. The privacy interests implicated include their names, addresses, business names (former and current), and personal and professional relationships.

7. Defendant does not seek closure merely to avoid embarrassment, criticism, or public scrutiny. The request is based on the particularized risks described above and is limited to the protection reasonably necessary to address them.

8. Defendant is prepared to provide additional supporting information to the Court *in camera* or through another procedure the Court finds appropriate, so that the Court can assess the request without unnecessarily publicizing the very information said to create the risk.

II. GOVERNING LAW

Judicial proceedings are generally open to the public. Section 3-1-312, MCA, (except as provided in 3-1-313 MCA) and the Montana Constitution's public-right-to-know provision, Mont. Const. art. II, § 9, require the Court to take the public's interest in access seriously. Article II, § 10 separately protects individual privacy. These interests must be considered in light of the circumstances presented; neither a general appeal to privacy nor a conclusory assertion of safety concerns alone establishes entitlement to closure. The publics right to know must be weighed against individual privacy interests.

In *State ex rel. Great Falls Tribune Co. v. Montana Eighth Judicial District Court*, 238 Mont. 310, 777 P.2d 345 (1989), the Montana Supreme Court recognized the public and press's general right to attend probation revocation hearings, while also holding that a district court may close such a hearing in a proper case to protect a person from harm that might occur if information developed in the proceeding became public. Id. at 316–18, 777 P.2d at 348–49. The decision supports closure where the record establishes a genuine safety risk; it does not make closure automatic whenever a party requests it.

III. ARGUMENT

A. ***The individual privacy concerns outweigh the public's right-to-know***.

The facts described in Section I establish or will establish through an appropriate presentation to the Court, that public disclosure of the defense witnesses' identity and their testimony creates a significant and demonstrable safety risk. The concern is supported by a pattern of harassment and threats already experienced by Mr. Riggin's supporters, several of whom may testify at the Nov. 19, 2026, hearing, rather than speculation alone. Because the information may be sensitive, Defendant requests that the Court permit the supporting details of these threats and the harassment to be presented *in camera* because public disclosure in this motion, via attached exhibits, would compound the risk.

The Court in *Great Falls Tribune* recognized that protecting a person from harm that might result if information developed in a probation revocation proceeding becomes public can justify closure in a proper case. 238 Mont. at 316–18, 777 P.2d at 348–49. Defendant asks the Court to apply that authority to the facts established here.

The *Great Falls Tribune* Court also described a two-part test in determining whether a privacy interest is protected under the state constitution: (1) whether the person involved had a subjective or actual expectation of privacy; and, (2) whether society is willing to recognize that expectation as reasonable. *Id.* at 318, citing *Montana Human Rights Division v. City of Billings* (1982), 199 Mont. 434, 441, 649 P.2d 1283, 1287. When the Court applied that test to the facts of the matter before them, they determined:

> [W]hen the District Court determined that the person involved must be protected from physical harm arising from participation in the proceeding, the subjective expectation of that person to privacy was established. The second prong of the test is met because the risk to the person's individual safety from disclosing adverse information to the public would compel a reasonable person to recognize the expectation of privacy. *Id.* at 318–19. Emphasis Added.

Additionally, the *Great Falls Tribune* Court went on to note that there are other considerations beyond physical safety, including the right to a fair trial and that: "[a] defendant's right to a fair trial would be paramount to the public's right to know if disclosure of the pretrial suppression hearing would affect his fair trial." *Id.* at 319, citing *State ex rel. Smith v. Dist. Court* (1982), 201 Mont. 376, 384, 654 P.2d 982.

Here, the Court must weigh several compounding factors against the public's right to know: the threat of physical safety to the Defendant's witnesses being so great, as already demonstrated, that it would effectively prevent them from giving willing and open testimony on behalf of the Defendant. As such, without those witnesses, the Defendant's right to a fair proceeding would be greatly diminished.

The Court should therefore evaluate the concrete risks asserted, the relationship between public disclosure and the anticipated harm, the Defendant's right to a fair hearing, the public interest in access, and whether a less restrictive measure would adequately protect the affected interests. Any closure should be no broader or longer than the demonstrated need requires. As such, the Defendant requests a closure in scope only necessary to ensure the safety of his witnesses and the fairness of the proceeding.

B. *Full closure is requested only if partial closure or other measures would not adequately protect the identified interests*.

Defendant requests closure of the entire hearing only if the Court finds that the identified risks permeate the proceeding or cannot reasonably be separated from the evidence as a practical matter. An additional basis for requesting full closure is the privacy concerns of the State's witnesses. When State's attorney Josh Racki was contacted concerning the safety concerns that would prevent the Defendant's witnesses from testifying, and the privacy interests of State's

witnesses, which will likely include the sensitive testimony of two minor children, Mr. Racki objected.

Alternatively, if the Court finds that the risks are confined to particular witnesses as discussed here, topics, exhibits, or testimony, Defendant requests limited to those portions i.e. the Defendant's witnesses and their testimony. Defendant does not oppose a narrower remedy that adequately protects the interests demonstrated by the record.

C. *The Court should make findings and use a confidential procedure only to the extent necessary*.

Defendant requests a ruling before the evidentiary hearing begins. If public discussion of the supporting facts would reveal sensitive information or increase the risk, Defendant requests leave to present those details *in camera* or through another procedure the Court deems legally appropriate. Any sealed submission or restriction on access to records should be limited to the extent necessary and supported by applicable law.

Defendant does not ask the Court to dispense with a factual basis, consider unsupported allegations, or omit findings. Rather, Defendant requests that the Court protect sensitive details (the identity of Defense witnesses and their testimony) while making a sufficient record of the reasons for and scope of any closure order.

IV. REQUEST FOR RELIEF

WHEREFORE, Defendant respectfully requests that the Court:

1. Consider and decide this motion before the November 19, 2026, evidentiary hearing begins;

2. Permit Defendant to present sensitive supporting facts *in camera* or through another appropriate procedure if public disclosure would itself create a risk;

3. Close the hearing in full to the public and press only if the Court finds that closure is justified by the specific facts and that less restrictive measures would not adequately protect the identified interests;

4. **Alternatively**, close only the Defendant's portion of the hearing involving the particular testimony, evidence, or identifying information that creates the demonstrated risk, this could be narrowly tailored to the Defense witnesses only.

5. Identify the persons necessary to conduct the proceeding and determine appropriate attendance or security measures for any closed portion;

6. Make findings on the record sufficient to explain the basis and scope of any closure, while protecting sensitive details to the extent legally permitted;

7. Address any request concerning transcripts, exhibits, or other records separately and in accordance with applicable law; and

8. Grant such other relief as the Court deems just and proper.

RESPECTFULLY SUBMITTED this 4th day of November 2026.

Holloway & Hulling PLLC

/s/ Aaron Rains
Aaron Rains, Esq.
Attorney for Defendant

DEFENSE EXHIBIT 1: November 2, 2026 email to the Defense from Jane Doe:

"To whom it may concern I am willing to testify on the behalf of Reese Riggin and his family if the case is closed to the public. If the case is open to the public I will not testify. The reason therefore being that I am concerned for my safety and my well-being and my professional well-being. I have already been called names been ridiculed and have lost job opportunities because I spoke out and wrote a letter of support and it was released to the public. So if this case could be closed to the public I will testify. But if it is not close to the public I will not. Thank you for your time . . ."

DEFENSE EXHIBIT 2: November 2, 2026, email to Defense from John Doe:

"Re: Requested Motion for Closed Hearing / Witness Protection Measures

I am writing to urgently request your assistance in securing court-ordered protective measures, specifically a **closed hearing**, regarding any potential testimony or involvement I may have in Reese Riggins' case.

While I have not yet been officially subpoenaed or called to testify, the mere fact that I submitted a letter of support for Mr. Riggins has triggered an immediate, severe, and dangerous campaign of retaliation against me. I am deeply concerned for my physical safety and livelihood, and I believe any future public testimony will escalate this danger exponentially.

To assist you in drafting a formal motion to the Court, I have outlined the specific retaliation that has occurred to date:

- **Criminal Death Threats:** I received an explicit death threat via a telephone call. This matter is highly alarming and has been officially reported to law enforcement (Police Report/Incident Number: [Insert Number if you have it]).
- **Severe Extrajudicial Defamation:** Hostile individuals are publicly spreading malicious falsehoods, baselessly claiming that I am protecting a pedophile and accusing me of being one myself. As you know, Mr. Riggins' decade-old Tier 2 offense did not involve children, making these targeted fabrications explicitly designed to incite public outrage and violence against me.

- **Extreme Business Interference:** This harassment campaign has targeted my place of employment. The intimidation has been so severe that four of my employees have already resigned out of fear for their safety, causing severe financial and operational damage to the business.

Because of this intense hostility, I am requesting that you file a motion asking the judge to close the courtroom to the public and press for any hearing where I am involved or called to testify. The current environment makes an open forum a direct threat to my physical safety.

I have preserved screenshots of the defamatory statements, phone logs, and the police incident report, which I can provide immediately to support your motion. Please let me know how we can proceed with this as soon as possible.

Sincerely, John Doe,”

CERTIFICATE OF SERVICE

I hereby certify that I served a true and correct copy of the foregoing document on:

Joshua Racki
Cascade County Attorney Office
325 2nd Ave North
Great Falls, MT 59401
jracki@cascadecountymt.gov

[ ] Mail
[X] Email/Electronic Submission
[ ] Hand Delivery
[ ] Fax

DATED this 4th day of November, 2026.

By*: /s/ Jodi Maddox*

Jodi Maddox

CERTIFICATE OF SERVICE

I, Fredrick Aaron Rains, hereby certify that I have served true and accurate copies of the foregoing Motion - Motion to the following on 11-04-2026:

Meghan Lulf Sutton (Attorney)
P.O. Box 533
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Representing: State of Montana
Service Method: eService

Electronically signed by Jodi Maddox on behalf of Fredrick Aaron Rains
Dated: 11-04-2026