



State v. Hansen (verdict)

DISTRICT COURT

VERDICT: Defense, providing alcohol to intoxicated person (passed out but not driving), criminal/negligent endangerment, tampering.

A Helena jury found Kathy Hansen not guilty to the charges of providing alcoholic beverage to an intoxicated person, criminal endangerment, negligent endangerment, and tampering with physical evidence.

Randal Dugan entered Valley Hub bar in north Helena 5/28/15. Over the next 2 hours he consumed 6 Long Island Ice Teas (according to the bar) or 7 Long Island Ice Teas and a shot of vodka (according to the State). He put his head on the bar and became mostly unresponsive. A retired paramedic evaluated him and had his wife call 911. Dugan had given his keys to bartender Kathy Hansen along with his wife's phone number. Hansen attempted to call Dugan's wife. Dugan was transported to St. Peter's where he vomited and showed .294 BAC. He had no injury or follow up treatment. After speaking with witnesses and reviewing the bar video, Hansen was charged with serving a person apparently under the influence (§16-6-304), criminal endangerment, negligent endangerment, and tampering with evidence for allegedly attempting to hide the evidence of the amount Dugan had consumed by taking his receipt before he was transported to the hospital. The defense was that Hansen never saw any of the signs of "too much," that she is trained to look for through DOR's "Let's Control It" program before he passed out, and he was not harmed other than vomiting and a hangover.

State's experts: DOR Alcohol Education Coordinator Lisa Scates; Dep. Sheriff Bradley Bragg; Doug Lancon (State Crime Lab); nurse Dawn Mahler.

Hansen's expert: ER physician John Horning.

Jury deliberated 2 hours 3rd day; Judge Reynolds.

State v. Hansen, L&C DDC 15-408, 8/25/16. Randall Nelson (Nelson & Dahle), Billings (with special assistance from the Drake Law Firm), for Hansen; Dep. L&C Co. Attys. Fallon Stanton & Michele Cook.