

## SUMMARY STATEMENT

*C&M Inv. Group, Ltd. and Karlin Holdings Ltd. P'ship v. Neil David Campbell*  
Docket No. 44719

In a case arising out of Blaine County, the Court of Appeals affirmed the district court's judgment of contempt and imposition of sanctions. C&M Investment Group, LTD., and Karlin Holdings Limited Partnership (hereinafter C&M) filed an affidavit alleging ten counts of "civil contempt" based on Neil David Campbell's failure to produce documents for a court-ordered debtor's examination and twenty-three counts of "criminal contempt" based on Campbell's false testimony during the debtor's examination. At a bench trial for all of the allegations, C&M called Campbell to testify in relation to its civil contempt allegations. Over Campbell's objection, the district court ruled that C&M could ask questions regarding the civil contempt allegations. The district court found Campbell guilty of two of the civil contempt allegations and thirteen of the criminal contempt allegations. For the civil contempt counts, the district court ordered Campbell to serve an indeterminate jail sentence until he complied with the prior court orders requiring production of documents or until the district court determined a continuing jail sentence would serve no purpose or Campbell no longer had the ability to comply. For the criminal contempt counts, the district court imposed a jail sentence of sixty-five days.

On appeal, Campbell asserted it was error for the district court to impose sixty-five days in jail as a sanction for the thirteen counts of criminal contempt because the court did not afford Campbell his right against self-incrimination as required by I.R.C.P. 75(i)(2)(D). The Court of Appeals held that I.R.C.P. 75(i)(2) does not afford an alleged contemnor a blanket right not to testify in contempt proceedings. Rather, the rule only limits a court's authority to impose criminal sanctions for contempt if certain rights were not afforded, including the right against self-incrimination. Because Campbell was afforded the right not to answer questions he believed would be incriminating, criminal sanctions could be imposed. Moreover, the district court expressly stated that the criminal sanctions were based solely on the documentary exhibits and not on Campbell's testimony.