

FILED

March 30 2009

Ed Smith
CLERK OF THE SUPREME COURT
STATE OF MONTANA

Name Ted Voerding
Address Montana State Prison
700 Conley Lake Road Deer Lodge, MT 59722
Telephone No. _____

~~FILED~~ - FILED

MAR 27 2009

Ed Smith
CLERK OF THE SUPREME COURT
STATE OF MONTANA

IN THE SUPREME COURT OF THE STATE OF MONTANA

Supreme Court Cause No. _____

Ted Matthew Voerding, Plaintiff/Petitioner/Movant.

(designation of party),

MOTION AND AFFIDAVIT IN SUPPORT
OF MOTION TO PROCEED ON APPEAL
WITHOUT PAYMENT OF FILING FEE

v.

Mike Mahoney Warden Montana state Prison, Respondent/Defendant.
(designation of party).

I move this Court to proceed without payment of the filing fee in this cause,
and I submit this Affidavit in support of my motion.

I, Ted Matthew Voerding (state your name) being first duly sworn, depose and
say that I am the Plaintiff (designation of party) in the above-
entitled cause; that in support of my application to proceed on appeal without
being required to pay the filing fee, I state that because of my financial condition I
am unable to pay the filing fee; that I believe I am entitled to redress; and that the
issues which I desire to present on appeal are the following:

Illegal Incarceration, on Writ of Habeas Corpus.

I further swear that the responses which I have made to the questions and instructions below relating to my ability to pay the cost of prosecuting the appeal are true.

1. Are you presently employed? Yes

a. If the answer is yes, state the amount of your salary or wages per month and give the name and address of your employer.

\$ 20.00 Per Month Montana State Prison.

b. If the answer is no, state the date of your last employment and the amount of the salary and wages per month which you received.

2. Have you received within the past 12 months any income from a business, profession or other form of self-employment, or in the form of rent payments, interest, dividends, or other source? If the answer is yes, describe each source of income, and state the amount received from each during the past 12 months.

\$ 200.00 as a gift from Mary Vaerding.

3. Do you own any cash or checking or savings account? If the answer is yes, state the total value of the items owned.

~~\$4,000 in savings~~ \$28.00 Inmate account

4. Do you own any real estate, stocks, bonds, notes, automobiles, or other valuable property (excluding ordinary household furnishings and clothing)? If the answer is yes, describe the property and state its approximate value.

Q

5. List the persons who are dependent upon you for support and state your relationship to those persons.

Q

I understand that a false statement or answer to any question in this affidavit will subject me to penalties for perjury.

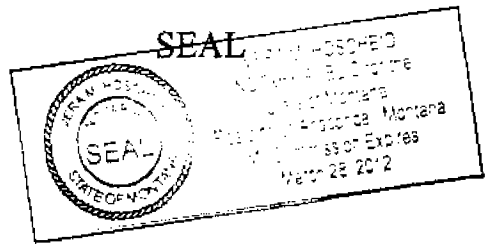
Ted Vaerding

Subscribed and sworn to before me this 26th day of March, 2009

Wm M. Hoschard
Notary Public for the State of Montana

Residing at Lincoln

My Commission expires March 28, 2012



Montana State Prison Resident Activity Statement

Resident Name: VOERDING, TED
Housing Location: MSP,UC,1,40,3,2

Resident ID: 2000297

Date Range:

10/08/2008 Through 03/01/2009

Beginning Account Balances:

Ending Account Balances:

	Personal Balance	Non-Per Balance	Debt		Personal Balance	Non-Per Balance	Debt
Trust	\$0.00	\$0.00	\$0.00	Trust	\$75.70	\$0.00	\$0.00
Begin Totals	\$0.00	\$0.00	\$0.00	End Totals	\$75.70	\$0.00	\$0.00

Date	Amount	Type	Comment	Personal Bal Change	Personal Acct Balance	Non-Personal Change	Non-Personal Acct Bal	Debt Bal Change	Debt Balance
10/10/2008	\$0.00	Change Classification	Automated Class Change	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
10/10/2008	\$0.00	Intake	Automated Intake	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
10/10/2008	\$0.00	Change Housing	Intake Housing Assignment	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
10/10/2008	\$179.80	Resident Deposit	Reception/Racine County Sheriff	\$179.80	\$179.80	\$0.00	\$0.00	\$0.00	\$0.00
10/14/2008	(\$2.70)	Transfer Other Funds	Postage	(\$2.70)	\$177.10	\$0.00	\$0.00	\$0.00	\$0.00
10/15/2008	\$0.00	Change Housing	Automated Housing Change	\$0.00	\$177.10	\$0.00	\$0.00	\$0.00	\$0.00
10/17/2008	(\$10.00)	Transfer Other Funds	Xerox Card	(\$10.00)	\$167.10	\$0.00	\$0.00	\$0.00	\$0.00
10/24/2008	(\$17.42)	Sale	Debit Sale	(\$17.42)	\$149.68	\$0.00	\$0.00	\$0.00	\$0.00
10/30/2008	(\$7.61)	Sale	Debit Sale	(\$7.61)	\$142.07	\$0.00	\$0.00	\$0.00	\$0.00
11/07/2008	\$0.00	Release	Automated Release	\$0.00	\$142.07	\$0.00	\$0.00	\$0.00	\$0.00
11/07/2008	\$0.00	Intake	Automated Intake	\$0.00	\$142.07	\$0.00	\$0.00	\$0.00	\$0.00
11/07/2008	\$0.00	Change Housing	Intake Housing Assignment	\$0.00	\$142.07	\$0.00	\$0.00	\$0.00	\$0.00
11/07/2008	(\$1.73)	Sale	Debit Sale	(\$1.73)	\$140.34	\$0.00	\$0.00	\$0.00	\$0.00
11/14/2008	(\$2.70)	Sale	Debit Sale	(\$2.70)	\$137.64	\$0.00	\$0.00	\$0.00	\$0.00
11/17/2008	(\$0.50)	Transfer Other Funds	State Copies - Medical	(\$0.50)	\$137.14	\$0.00	\$0.00	\$0.00	\$0.00
11/17/2008	(\$0.50)	Transfer Other Funds	State Copies - Medical	(\$0.50)	\$136.64	\$0.00	\$0.00	\$0.00	\$0.00
11/21/2008	(\$1.86)	Sale	Debit Sale	(\$1.86)	\$134.78	\$0.00	\$0.00	\$0.00	\$0.00
12/05/2008	(\$3.07)	Sale	Debit Sale	(\$3.07)	\$131.71	\$0.00	\$0.00	\$0.00	\$0.00
12/12/2008	(\$6.71)	Sale	Debit Sale	(\$6.71)	\$125.00	\$0.00	\$0.00	\$0.00	\$0.00

12/17/2008	\$0.00 Change Classification	moved to close 2	\$0.00	\$125.00	\$0.00	\$0.00	\$0.00	\$0.00
12/18/2008	\$0.00 Change Housing	Automated Housing Change	\$0.00	\$125.00	\$0.00	\$0.00	\$0.00	\$0.00
12/18/2008	(\$0.86) Sale	Debit Sale	(\$0.86)	\$124.14	\$0.00	\$0.00	\$0.00	\$0.00
12/19/2008	(\$64.93) Resident Withdrawal	Barnes & Noble Book Store	(\$64.93)	\$59.21	\$0.00	\$0.00	\$0.00	\$0.00
12/19/2008	(\$18.50) Sale	Debit Sale	(\$18.50)	\$40.71	\$0.00	\$0.00	\$0.00	\$0.00
12/30/2008	(\$18.45) Resident Withdrawal	Edward R. Hamltion	(\$18.45)	\$22.26	\$0.00	\$0.00	\$0.00	\$0.00
01/02/2009	(\$19.39) Sale	Debit Sale	(\$19.39)	\$2.87	\$0.00	\$0.00	\$0.00	\$0.00
01/08/2009	(\$2.32) Sale	Debit Sale	(\$2.32)	\$0.55	\$0.00	\$0.00	\$0.00	\$0.00
01/10/2009	\$0.00 Change Housing	Automated Housing Change	\$0.00	\$0.55	\$0.00	\$0.00	\$0.00	\$0.00
01/14/2009	(\$0.55) Sale	Debit Sale	(\$0.55)	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
01/27/2009	\$200.00 Resident Deposit	Mary Voerding	\$200.00	\$200.00	\$0.00	\$0.00	\$0.00	\$0.00
01/28/2009	\$0.00 Change Housing	Automated Housing Change	\$0.00	\$200.00	\$0.00	\$0.00	\$0.00	\$0.00
01/28/2009	(\$27.71) Sale	Debit Sale	(\$27.71)	\$172.29	\$0.00	\$0.00	\$0.00	\$0.00
01/29/2009	\$0.00 Change Housing	Automated Housing Change	\$0.00	\$172.29	\$0.00	\$0.00	\$0.00	\$0.00
01/30/2009	\$0.00 Change Housing	Automated Housing Change	\$0.00	\$172.29	\$0.00	\$0.00	\$0.00	\$0.00
02/04/2009	(\$14.14) Sale	Debit Sale	(\$14.14)	\$158.15	\$0.00	\$0.00	\$0.00	\$0.00
02/10/2009	(\$5.00) Transfer Other Funds	MSP Copy Card	(\$5.00)	\$153.15	\$0.00	\$0.00	\$0.00	\$0.00
02/11/2009	(\$39.63) Sale	Debit Sale	(\$39.63)	\$113.52	\$0.00	\$0.00	\$0.00	\$0.00
02/18/2009	(\$5.14) Sale	Debit Sale	(\$5.14)	\$108.38	\$0.00	\$0.00	\$0.00	\$0.00
02/18/2009	(\$2.36) Transfer Other Funds	MSP Postage	(\$2.36)	\$106.02	\$0.00	\$0.00	\$0.00	\$0.00
02/18/2009	(\$14.45) Resident Withdrawal	Edward R. Hamltion	(\$14.45)	\$91.57	\$0.00	\$0.00	\$0.00	\$0.00
02/25/2009	(\$5.58) Sale	Debit Sale	(\$5.58)	\$85.99	\$0.00	\$0.00	\$0.00	\$0.00
02/25/2009	(\$10.29) Sale	Debit Sale	(\$10.29)	\$75.70	\$0.00	\$0.00	\$0.00	\$0.00

Montana State Prison
Resident Activity Statement

Resident Name: VOERDING, TED
Housing Location: MSP,UC,1,40,3,2

Resident ID: 2000297

Date Range:

03/01/2009 Through 03/26/2009

Beginning Account Balances:

Ending Account Balances:

	Personal Balance	Non-Per Balance	Debt		Personal Balance	Non-Per Balance	Debt
Trust	\$75.70	\$0.00	\$0.00	Trust	\$28.36	\$0.00	\$0.00
Begin Totals	\$75.70	\$0.00	\$0.00	End Totals	\$28.36	\$0.00	\$0.00

Date	Amount	Type	Comment	Personal Bal Change	Personal Acct Balance	Non-Personal Change	Non-Personal Acct Bal	Debt Bal Change	Debt Balance
03/04/2009	(\$13.11)	Sale	Debit Sale	(\$13.11)	\$62.59	\$0.00	\$0.00	\$0.00	\$0.00
03/04/2009	\$35.00	Resident Deposit	Inmate Pay - February 2009 C	\$35.00	\$97.59	\$0.00	\$0.00	\$0.00	\$0.00
03/06/2009	(\$0.50)	Transfer Other Funds	MSP - State Copies - Medical	(\$0.50)	\$97.09	\$0.00	\$0.00	\$0.00	\$0.00
03/10/2009	(\$0.50)	Transfer Other Funds	State Copies - Medical	(\$0.50)	\$96.59	\$0.00	\$0.00	\$0.00	\$0.00
03/10/2009	(\$24.88)	Resident Withdrawal	Barnes & Noble	(\$24.88)	\$71.71	\$0.00	\$0.00	\$0.00	\$0.00
03/10/2009	\$1.00	Direct ROA	Edward R. Hamilton Bookseller Refund	\$1.00	\$72.71	\$0.00	\$0.00	\$0.00	\$0.00
03/11/2009	(\$7.21)	Sale	Debit Sale	(\$7.21)	\$65.50	\$0.00	\$0.00	\$0.00	\$0.00
03/16/2009	(\$5.00)	Transfer Other Funds	MSP - Copy Card	(\$5.00)	\$60.50	\$0.00	\$0.00	\$0.00	\$0.00
03/18/2009	(\$13.44)	Sale	Debit Sale	(\$13.44)	\$47.06	\$0.00	\$0.00	\$0.00	\$0.00
03/18/2009	(\$5.21)	Transfer Other Funds	MSP Postage	(\$5.21)	\$41.85	\$0.00	\$0.00	\$0.00	\$0.00
03/25/2009	(\$13.49)	Sale	Debit Sale	(\$13.49)	\$28.36	\$0.00	\$0.00	\$0.00	\$0.00