

IN THE SUPREME COURT OF THE STATE OF MONTANA

Ed Smith
CLERK OF THE SUPREME COURT
STATE OF MONTANA

No. OP 09-0445

AARON MONROE,

Petitioner,

v.

MIKE MAHONEY, Warden

Respondent.

FILED

SEP 22 2009

Ed Smith
CLERK OF THE SUPREME COURT
STATE OF MONTANA

**ATTORNEY GENERAL'S RESPONSE TO PETITION FOR
A WRIT OF HABEAS CORPUS**

In compliance with this Court's order of August 26, 2009, the Attorney General's Office responds to the petition for a writ of habeas corpus filed by Aaron Monroe.

Based upon the stipulation of the Cascade County Attorney, on September 3, 2009, the district court entered a nunc pro tunc order granting Moore 176 days credit for time served, Judge Macek presiding.

(Nunc pro tunc order, attached as Ex. 1.) The Department of Corrections (DOC) has recalculated Moore's sentence. (DOC Spreadsheets, attached as Ex. 2.)

Accordingly, Mr. Moore's petition should be dismissed as moot.

Respectfully submitted this 29th day of September, 2009.

STEVE BULLOCK
Montana Attorney General
Justice Building
P.O. Box 201401
Helena, MT 59620-1401

By: Mark W. Mattioli
MARK W. MATTIOLI
Assistant Attorney General

CERTIFICATE OF SERVICE

I hereby certify that I caused a true and accurate copy of the foregoing
Response to Petition for Writ of Habeas Corpus to be mailed to:

Mr. John W. Parker
Cascade County Attorney
121 Fourth Street North
Great Falls, MT 59401

Mr. Aaron Monroe
Number 2108506
700 Conley Lake Road
Deer Lodge, MT 59722

DATED: 9/29/09 Mark W. Mattioli

CERTIFICATE OF COMPLIANCE

Pursuant to Rules 11 and 14 of the Montana Rules of Appellate Procedure, I certify that this response to writ is printed with a proportionately spaced Times New Roman text typeface of 14 points; is double-spaced except for footnotes and for quoted and indented material; and the word count calculated by Microsoft Word for Windows is not more than 5,000 words, excluding certificate of service and certificate of compliance.



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APPENDIX

Order Nunc Pro Tunc.....Exhibit 1

DOC Spreadsheets.....Exhibit 2

EXHIBIT

-10385

RECEIVED

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MSP RECORDS

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MONTANA EIGHTH JUDICIAL DISTRICT COURT, CASCADE COUNTY

STATE OF MONTANA,

Plaintiff,

vs.

AARON MONROE,

Defendant.

Cause No. BDC-09-043

ORDER NUNC PRO TUNC

Upon review of an ex parte communication from the above named Defendant, and the State's written stipulation:

IT IS HEREBY ORDERED that the Court amends the Sentencing Order (Doc. 29) to state that the Defendant shall receive a total of 176 days credit for time served.

IT IS FURTHER ORDERED that the remainder of said order is to remain intact.

DATED this 3rd day of September, 2009.

Julie Maczek

JULIE MACZEK,
DISTRICT JUDGE

cc: County Attorney/John Parker
Defense Counsel/Carl Jensen
Defendant - Aaron Monroe, Inmate: #36843, Montana State Prisons, 700 Onaway Ave, ss
Road, Deer Lodge, MT 59722
Adult Probation and Parole/Reggie Voiles
Cascade County Sheriff's Office
Great Falls Police Department
Montana State ID
Department of Corrections
Montana State Prison

4 day of Sept 2009
RUTH REEVES, Clerk of Court

cc: Unit A mini

EXHIBIT 2

Monroe, Aaron Dwight 2105806		
	FIRST SENTENCE	SECOND SENTENCE
COUNTY	Cascade	Cascade
CAUSE NO.	BDC-05-316	BDC-09-043
Offense Date	6/5/2006	1/11/2009
SENT. DATE	3/1/2006	7/8/2006
Turn Self In Date	3/2/2006	
JAIL TIME CR	82	178
SENTENCE	10 yrs	10 yrs
CONC OR CONSEC	TSID	CC
Life Sentence Imposed?	No	No
Prison Term Years	5	5
Prison Term Months	0	0
Prison Term Days	0	0
Total Prison Term in Days	1825	1825
Probation Term in Years	5	5
Probation Term Months	0	0
Probation Term Days	0	0
Total Probation Term in Days	1825	1825
Sentence Commencement	1/9/2006	1/13/2009
DEAD TIME	0	0
PAROLE ELIGIBILITY	4/10/2007	4/14/2010
DATE PRISON DISCHARGES	1/9/2011	1/12/2014
DATE PROB DISCHARGES	1/7/2016	1/11/2019
Committed in Prison or on Parole	No	Yes
Committed between 7-1-77 and 4-12-95?	No	No
Was there a Subsequent Parole after this sentence?	No	No
DATES OF PAROLES	N/A	N/A
Sentence Calculation Data Entered by:	Moiver	
Date Sentence Calculation Performed:	7/17/2006	
Date Sentence Calculation Modified:	7/22/2006 9/8/2008	
Reason Modified and Initials of person modifying:	Additional Sentence/KMc Nunc Pro Tunc, Add. Jtc/McKinnon	

Monroe, Aaron Dwight - 210506										
COUNTY	CAUSE NO.	Sentence Pronounced Date (SPD)	JAIL TIME CREDIT	SPD - Jail Credit	Sentence Commencement Date	Prison Term in Years, Months & Days	Prison TERM (DAYS)	MAX SENT. (W/O GOOD TIME)	DEAD TIME	MAX SENT. INC DEAD TIME
CAUSE NO.	GOOD TIME Balance Forward	MAX less GT Bal. Fwd.	Date Projecting From (DPF)	# Days between MAX and DPF	Good Time Rate for Projection	Time Projected to be Served	Good Time Projected to be Earned	Projected Discharge or Release Date	Probationary Term to follow (DAYS)	Probation Discharge Date (if applicable)
Cascade	BDC-05-316	3/1/2006	52	1/8/2006	1/9/2006	5Year(s) &0Months &0Days	1825	1/8/2011	0	1/8/2011
Cascade	BDC-09-043	7/8/2009	176	1/13/2009	1/13/2009	5Year(s) &0Months &0Days	1825	1/12/2014	0	1/12/2014
BDC-05-316	0	1/8/2011	3/2/2006	1773	0	1773.0	0.0	1/8/2011	1825	1/7/2016
BDC-09-043	0	1/12/2014	7/8/2009	1649	0	1649.0	0.0	1/12/2014	1825	1/11/2019

GOOD TIME CALCULATION FORM

Monroe, Aaron Dwight 2105806

STATUS	Judgement contains from and to = dates; date and jail credit = days	FROM DATE	TO DATE	DAYS	RATE	Good Time Earned
Jail Time Credit	Days	1/8/2006	3/1/2006	52	0	0.00
spd		3/1/2006				0.00
tsid		3/2/2006				0.00
Cascade	BDC-05-316	Total Good Time	FROM DATE ABOVE			0

GOOD TIME CALCULATION FORM

Monroe, Aaron Dwight 2105806						
STATUS	Judgement contains from and to = dates; date and jail credit = days	FROM DATE	TO DATE	DAYS	RATE	Good Time Earned
Jail Time Credit	Days	1/13/2009	7/8/2009	176	0	0.00
SPD		7/8/2009				0.00
Cascade	BDC-09-043	Total Good Time	FROM DATE ABOVE			0