

ORIGINAL

FILED

12/18/2019

Bowen Greenwood  
CLERK OF THE SUPREME COURT  
STATE OF MONTANA

Case Number: OP 19-0693

IN THE SUPREME COURT OF THE STATE OF MONTANA

OP 19-0693

FILED

DEC 17 2019

Bowen Greenwood  
Clerk of Supreme Court  
State of Montana

CHARLES BERNARD PARKE,

Petitioner,

v.

ORDER

MICHAEL D. SMITH, Warden,  
MCFP Springfield,

Respondent.

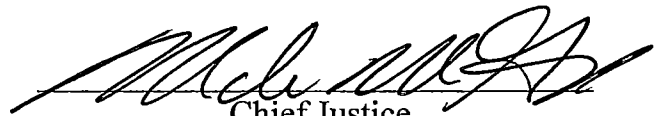
Charles Bernard Parke petitions for a writ of habeas corpus, requesting relief because of his alleged illegal incarceration. Parke's request, arising from criminal cases brought against him in 1987 and 2003, is for this Court to either "[lessen] the [offense] charge or . . . remand this Cause to the district court directing the court to resentence [Parke] to a lesser [offense] . . . ." Parke acknowledges that his Montana sentences have been discharged, but asserts that his convictions are being held against him by the federal Bureau of Prisons and Probation Office. He contends that he is thus doing more time in the federal penal system and placed in a higher custody level. We amend the caption to indicate the Warden's name of MCFP Springfield, located in Missouri, where Parke is currently incarcerated. Section 46-22-201(1)(c), MCA.

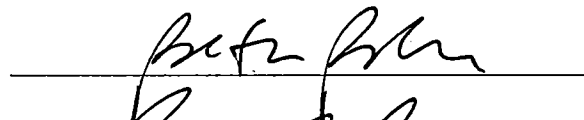
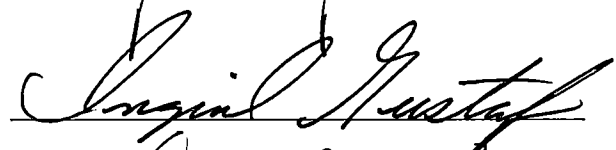

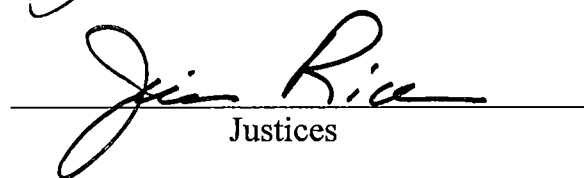
Having discharged his sentences, Parke's petition is moot; the Court cannot grant him effective relief. *Sebastian v. Mahoney*, 2001 MT 88, ¶ 7, 305 Mont. 158, 25 P.3d 163. Parke is well past the time to challenge the gravity of the offenses charged against him, and there is nothing to remand when Parke has acknowledged that his sentences have been discharged.

IT IS THEREFORE ORDERED that Parke's Petition for a Writ of Habeas Corpus is DENIED and DISMISSED.

The Clerk of the Supreme Court is directed provide a copy of this Order to counsel of record; to Warden Smith, MCFP Springfield, Federal Medical Center, P.O. Box 4000, Springfield, MO 65801-4000; and to Charles Bernard Parke, #10211-046/8-2, MCFP Springfield, P.O. Box 4000, Springfield, MO 65801-4000.

DATED this 17<sup>th</sup> day of December, 2019.

  
Chief Justice

  
  
  
  
Justices