

FILED

06/20/2021

Bowen Greenwood
CLERK OF THE SUPREME COURT
STATE OF MONTANA

Case Number: OP 21-0286

Hugh Clarence Ridgley **ORIGINAL**
Inmate Name

2094493
Inmate ID or AO#

Yellowstone County Detention Facility
Facility of Incarceration

3165 King Ave. E.
Address of Facility

Billings Montana 59101
City State Zip

FILED

JUN 10 2021

Bowen Greenwood
Clerk of Supreme Court
State of Montana

IN THE SUPREME COURT OF THE STATE OF MONTANA

No. **OP 21-0286**
[The Clerk of Court will assign a number]

Hugh Clarence Ridgley
NAME

PETITIONER,

v.

Michael B. Moses
NAME OF WARDEN/FACILITY ADMINISTRATOR,

**Petition for Writ of
Habeas Corpus**

RESPONDENT.

I, Hugh Clarence Ridgley, am representing myself, and I
[Name of Inmate]
believe that I am entitled to a Writ of Habeas Corpus under § 46-22-101, MCA, for one
or more of the following reasons:

[Check the applicable box]:

☐ The Department of Corrections has incorrectly calculated my sentence which
illegally extends my parole eligibility or discharge date.

☐ The Parole Board should have granted me a parole AND the Board violated my
Due Process rights in denying me a parole.

☐ I am entitled to more credit for jail time served than I received.

☐ My sentence is illegal because:

☐ I was sentenced after April 28, 1999, and I received a sentence of more than 5 years to the Department of Corrections, none of which was suspended.

☐ My sentence violates my right to be free from double jeopardy.

☒ The length of my sentence is longer than the law allows.

☐ I am entitled to good time that is not credited against my sentence.

☐ I am being held in jail and I believe my bail is excessive.

☒ Other reason incarceration is illegal.

Describe in detail why you are entitled to habeas corpus relief. Be specific. If possible, provide citations to legal authority. Attach any documents that help you explain why the Court should grant your petition. A copy of any judgments, orders or other documents that support your argument must be provided.

Pursuant to U.S. Const. Amend.'s I, V, VI, VIII, IX, XIV and under respected case law, acquired and still forthcoming; due to lack thereof, and, henceforth, once caselaw is acquired and only so far as thusly spoken herein: forma pauperis; U.S.C. 28 § 1915, Fed. R. App. 24;; Filing a brief complaint, under *Martinez v. Aaron*, 570 F. 2d 317 (10th Cir. 1978). The Due Process Clause under *Lochner v. New York*, 198 U.S. 45, 25 S. Ct. 539 (1905). For proper litigated cases cited under, *Miranda v. Arizona*, 384 U.S. 436, 86 S. Ct. 1602 (1966). "And not waived that right violates Sixth Amend. *Messiah v. U.S.*, 377 U.S. 201, 84 S. Ct. 1199 (1964). *Mathews v. Eldridge*, 424 U.S. 319, 96 S. Ct. 893 (1976). To Discovery; Fed. R. Civ. P. 26-37; Fed. R. Crim. P. 16 — including Title VII of Civil Rights Act and *R.A.V. v. City of St. Paul*, 505 U.S. 377, 383-84, 112 S. Ct. 2538, 2543 (1992). *Brady v. Maryland*, 373 U.S. 83 S. Ct. 1194 (1963); *Giglio v. U.S.*, 405 U.S. 150 (1972). and *Giles v. —*; —; furthermore to locate criminally documented Evidence Against Officer Mansur; et. al, towards a lawsuit under *Bivens v. Six Unknown Named Agents of the Federal Bureau of Narcotics*, 403 U.S. 388, 91 S. Ct. 1999 (1971). That Acting Officer Mansur in making respected arrest to a known felon did not activate: Body Cam., Above lights, Police Car Cam. Etc. Under *Cage v. Louisiana*, 498 U.S. 29 (1990) to, for and towards; U.S.C. 42 § 1983. Filing Tort(s). U.S. Const. Art. III § 2, cl. 1; respected Allegation and Affidavit, under *Illinois v. Gates*, 462 U.S. 213, 103 S. Ct. 2317 (1983). Wherefore, grounds for Appeal, Dismissal, Acquittal and Judgment lack thereof, under U.S.C. 28 § 2254(e). Under various Writ(s) of Procedure(s); Writ of Assistance; Writ of Error; Writ of Consultation; Writ of Course; Writ of Review; Writ of Supervisory Control; Motion(s) for Acquittal Under Federal Rules of Criminal Procedure 29(e)

Not hearing from the Courts, Access to legal Material: Fed. R. Crim. P. 44; under U.S.C.
18 § 3006A. Writing Motions to the best of my ability to the Law of this Land; Motions to
Dismiss; infra, under Fed. R. Civ. P. 41(a) and under Rule 12(b)(6). And 1, Plaintiff,
moved to, Motion to Compel Discovery; Fed. R. Civ. P. 37(a). Filing in effect and in Good
Faith Fed. R. Civ. P. 60; Fed. R. Civ. P. 29(a). Fed. R. Civ. P. 12(c). And Motion to Dismiss for
Failure to Prosecute under former motions. A Failure to Mirandize, under Miranda v. Arizona,
384, U.S. 436, 86 S. Ct. 1102 (1966). Failure to Identify self as Peace Officer; excessive
use of force, Police Brutality; Black Lives Don't Matter in Montana; Discrimination,
McDonald Douglas Corp. v. Green 411 U.S. 792, 93 S. Ct. 1817 (1973). McNaghten's
Case, 8 Eng. Rep. 718 (H.L. 1843). Per. Victor v. Nebraska, 511 U.S. 1, 8, 12, 114, S. Ct. 1239,
1244, 1246 (1994). Pretrial Conference, Fed. R. Civ. P. 16; Fed. R. Crim. P. 17.1. A Pretrial
Order Fed. R. Civ. P. 16(c). Pursuant to United States Constitution Amendment
Fourteen § 1 Slaughter-House Cases, 83 U.S. (16 Wall.) 36 (1873). That
Officer Mansoor, et. al. having had conspired to commit offenses; under
Pinkerton v. U.S. 328 U.S. 640, 166 S. Ct. 1180 (1946). And Plaintiff having
suffered injury on November 27th, 2020, medical bill, total of over \$11,000.00
six stitches, nerve damage; under Palsgraf v. Long Island R.R. 162 N.E.
99 (N.Y. 1928); Failure to follow Preliminary Trial Rights under M.C.A. § ———.
Including First Amendment; U.S. v. O'Brien, 391 U.S. 367, 88 S. Ct. 1167, and
Miller v. California, 413 U.S. 15, 93 S. Ct. 2607 (1973). Under Notice of Orders, Fed.
R. Civ. P. 77(d); Fed. R. Crim. 49(c). United States Constitution 28 § 1446; i;
Default Judgment, under Fed. R. Civ. P. 4(e). Pursuant to 14th Amendment, Vick Lebo. v.
Hookins, 118 U.S. 356, 10 S. Ct. 1064 (1886); U.S. v. Wade, 388 U.S. 218, 87 S. Ct. 1926
(1967). Attorney-client privilege: Gieders v. U.S., 425 U.S. 80 (1976). To ensure, the following
and Petitioner Umar, supra, that heretofore, namely, identity of interests, under Fed. R. Civ.
P. 15(c)(1)(c) of the infringement of natural and Constitutional rights, Procedures and therefore,
in furtherance of Justice; more names and documents yet to be mentioned, under
Federal Rules of Civil Procedure 14 inter alia and inter alios and under Fed. R. Crim. P. 29.
2). Having filed a multitude of Motions and not one Honored, Respected nor in Reflection
of "The Law of the Land," ——— And having a multitude of Failure(s); presiding Judge Michael
G. Moses' actions, saying in open court Plaintiff has no legal representation. 3).
June 6th, 2021; No form of legal "litigation, since June 4th 2021 188 days not in court,
Evoking Speed, Trial Rights; Preliminary Trial Rights M.C.A. ———;
Failure to Access Courts, & Heather Britton, responding in letter form to motions,
And not allowing an Acting Judge to Grant motions. Failure to Access Legal
Material, Failure to Access Caselaw; Failure to Grievance Government for Redress,
First Amendment; illegal incarceration, illegal punishment XIV and VIII Amends. Under
the IX Amendment: ...to deny or disparage others retained by the People...the governing
body's are not to create policies, practices are mala fide with affect conjure artifice
against and uphold incarceration VIII Amend.; moreover a Failure to follow due process
under Constitutional Amendments.

[Use extra pages if necessary]

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As relief, I request the following:

- ☐ my immediate release from prison.
- ☐ reduction of my sentence or that this Court remand this cause to the district court directing the court to resentence me to a lesser sentence.
- ☐ that the Department of Corrections recalculate my sentence as this Court directs.

☒ Other relief. Explain:

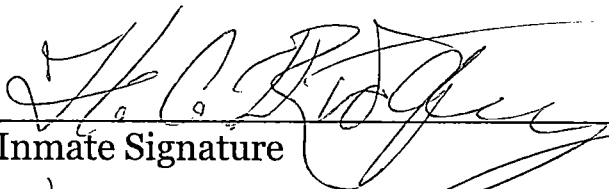
Plaintiff, Ridgley, moves aforesaid motion(s)
and Constitutional Grounds Evoked, be Granted in
Full, in Part and in Interest[s] of Justice and
Immediate release from prison

VERIFICATION

STATE OF MONTANA)
County of Yellowstone) : ss.

I believe I am being incarcerated illegally. I certify that the contents of this petition are true and accurate to the best of my knowledge.

DATED this 10 day of June, 2021.


Inmate Signature

Hugh Clarence Ridgley
Printed Name

CERTIFICATE OF MAILING (SERVICE)

I hereby certify that on June 6th, 2021, I have mailed the Petition for a Writ of Habeas Corpus, as noted by a check mark (✓), to the following attorney by placing a copy in the United States Mail, postage prepaid:

☐ State of Montana

(see INSTRUCTIONS #9)

Office of the Attorney General

P. O. Box 201401

Helena, MT 59620-1401

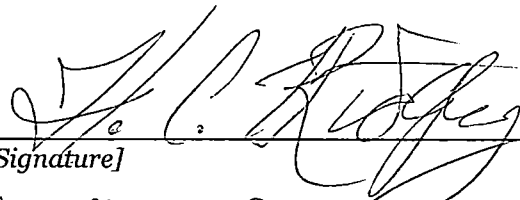
or

☒ Yellowstone County Attorney (see INSTRUCTIONS #9)
[Write name of County]

Clerk of Courts District Court

P.O. Box NO. 35030

Billings, MT. 59107


[Signature]
Hugh Lawrence Ridgely
[Print name]

Montana Civil Division of the Thirteenth Judicial District of the Yellow
Stone County before the Honorable _____

Hugh Clarence Ridgley Plaintiff	}	Cause No. DC 20-1578
vs.		Civil Judge _____
State of Montana, et. al. Defendant		Writ of Habeas Corpus

Now, comes, and showing good cause; that thus spoken and in our continuous faith of the law, land, liberties and that the language and in essence therein, of motion(s) be granted.

A WRIT OF HABEAS CORPUS (added boldface emphasis shown),
coming before this civil correspondence for names sake of Constitutional law be of effect, in power to First Amendment: Freedom of Speech, Freedom of Religion, Freedom to grievance of government and redress issues with the law agent(s), its agencies and thereof; Fifth Amendment, Sixth Amendment; Eighth & Fourteenth Amendment(s). Moreover of Federal Case law, when access to legal material is acquired, and still in effect, even if notion(s) are paraphrased in full, in part and in essence;

[1]

Whereupon, the following dates; Plaintiff, Hugh Clarence Ridgley, provided motions unto the Clerk of Courts. On April 18th 2021, I, Hugh Clarence Ridgley (Ridgley from now on), Plaintiff, filed a multitude of motions towards the Clerk of Court, where I never recieved a doc. NO.; Judge's decision, presiding Judge Michael G. Moses and was written a general correspondence note and a former notice of appearance copy.

Motion to Dismiss, Motion to Quash, filing a Writ of Habeas Corpus and filing pro se.

On the Date of April 29th 2021; Ridgley, filed secondary motion(s) knowingly, purposefully, proceeded with second attempt with same results; further indicting that it is not the Clerk of Court(s) job to respond to Any motion(s) but to fill such position and that they are merely supposed allow the legal system(s) to be followed and that judge should review legal material and hand down decision(s).

A Heather Britton and a Terry Halpin were listed, more names and Documents yet to be mentioned.

[2]

Furthermore, and moreover, grounds for dismiss, acquit, and a miss trial; Grounds for Appeal, wrongful and illegal incarceration; illegal punishment; Excessive Use of police brutality; Failure to read Marranda Rights; Failure to Identify as Acting Peace Officer in respected arrest of a known Felone; And Failure to activation of Body Cam, Police Car Cam. ect.; Officers Hilde # 0484, Abel # 0539, Farrel Fox # 0537, Mansur # 0442

Reviewing Supervisors and/or Officers Nathan West, Ben Milam, a Glenn Ewntner and Brian Krivits

[3]

Of the named defendants and under Brady, Giles and Giglio, All exculpatory and sensitive methods, convictions and material be handed over before date of Trial. Reviewed, Inspected, ect. for furtherance of inspection by Plaintiff; wherefore and in this time of crisis of America, Black Life Matter and while no known Native American Individual person(s) are of concern but still mistreated, ill advised and kept. malcontent; forewhere, relevance in character and duty(s) in question; failure to follow due process to any extent in this Great State of Civilization of America, so on and so forth;

[4]

Above named Plaintiff, did not continue Trial, and Ridgley did not move, agree Jury Trial should be reset for a later date and was merely presented with the info therein Dated and Electronically Signed by Hon. Judge Michael Moses Wed. Apr. 14 2021 12:14:04 PM.

[5]

Ridgley, was not present at Omnibus, Status, nor Jury Trial dates in previous sequence, Feb. 23rd 21; March 30th 21; April 12th 21;

Ridgley, evoking Speedy Trial Rights are supposed to be in full effect. Ridgley, was not present and did not receive any Preliminary Trial Rights under Montana Code Annotated § ____ - ____ - ____.

In conclusion: Ridgley moves to have the above granted, and aforementioned motion(s) granted in full, in Part and in the furtherance of such Interest[s] of Justice.

Therefore; Grant Motions, Amend, In part, In full unto DC 20-1578.

I, Hugh Clarence Ridgley, under penalty of perjury, Under U.S.C. 28 § 1746 do openly and duly swear the above and foregoing is true and correct. Executed: May 3rd 2021

Name: Hugh Clarence Ridgley

Signed: 

Dated: 05/03/21

COPY

County of Yellowstone

TERRY HALPIN
CLERK OF THE DISTRICT COURT

(406) 256-2851-Civil Division
(406) 256-2860-Criminal Division
(406) 256-2995-Fax
P.O. BOX 35030
BILLINGS, MT 59107-5030

April 21, 2021

RE: DC-2020-1578, State v Ridgley

Mr./Ms. Ridgley,

We are in receipt of proposed pro se filing Motion to Dismiss,t, however we are unable to accept pro se filings while you are represented by an attorney.

Enclosed find your proposed document and the ~~Notice of Appearance of your assigned counsel.~~
We would suggest contacting Ms. Pianca.

Our correspondence will be lodged in the above underlined file.

Heather Britton
Supervisor