

ORIGINAL

FILED

02/04/2022

Bowen Greenwood
CLERK OF THE SUPREME COURT
STATE OF MONTANA

Case Number: OP 21-0553

Wesley W. Charlo
Defendant, Pro Se
2340 Mullan rd.
Missoula, Mt. 59808

FILED

FEB 04 2022

Bowen Greenwood
Clerk of Supreme Court
State of Montana

The Montana Supreme Court

Wesley W. Charlo,
petitioner,

v.

T. J. McDermott, Sheriff,
respondent,

OP 21-0553

Response to respondent's
Motion to dismiss

1) Petitioner Charlo, requests this court to grant Habeas Corpus and his immediate release.

2) By statute, under 46-23-507(3)(b), when a conviction for failing to register, under this part, has been vacated the court must order the expungement of all records of arrest, investigation, and detention, and any court proceedings that may have been held by the court, the investigating law enforcement agency,

or the department of justice related to the conviction. Also, in the order vacating conviction and sentence signed by Judge Christopher on Jan. 20th 2022, (DOC. 1) it states "it is further ordered that any court documents related to the conviction and sentence in Cause DC-11-153 must be expunged."

3) Petitioner wants to point out to the Court that the convictions & sentences that Charb is currently incarcerated on, and being revoked on (DOC. 2), is and has been in more than 1 way related to DC-11-153. And therefore, all Cause Nos. DC-19-236, DC-19-476, and DC-20-268 must be expunged or also dismissed with prejudice, respectfully.

4) Submitted this 1st day of February 2022.

Clerk of Supreme Court
215 N. Sanders
Helena, Mt. 59620

Roy Brown
Assistant Attorney General
215 N. Sanders
Helena, Mt. 59620

Wesley W. Charb
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Petitioner, pro se
2340 Mullan rd.
Missoula, mt.
59808

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Certificate of Service

I, Wesley W. Charb, petitioner in this matter under penalty of perjury declare I have served Roy Brown Assistant Attorney General, respondent in this matter a copy of this Motion by mailing a copy to the address below:

Roy Brown
Assistant Attorney General
215 N. Sonders
Helena, MT

59620-

Dated: Feb 1st 2022

Wesley W Charb
Wesley W Charb