



ORIGINAL

FILED

02/22/2022

Bowen Greenwood
CLERK OF THE SUPREME COURT
STATE OF MONTANA

Case Number: OP 22-0079

IN THE SUPREME COURT OF THE STATE OF MONTANA

OP 22-0079

JARED BARTH,

Petitioner,

v.

STATE OF MONTANA, and
MIKE TOTH, Sheriff,
Mineral County Jail,

Respondents.

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Bowen Greenwood
Clerk of Supreme Court
State of Montana

ORDER

Jared Barth has filed a “Motion for Writ of Habeas Corpus” and states that “Petitioner Jared Barth is being unlawfully restrained of his liberty” according to his Motion, that we deem a Petition. M. R. App. P. 14(2). We amend the caption to include the Mineral County Sheriff because Barth is currently detained in the Mineral County Jail. Section 46-22-201(1)(c), MCA.

Montana’s statute for habeas corpus relief provides that a court may inquire into the cause of restraint or incarceration. Section 46-22-101(1), MCA.

Barth references a Municipal Court cause number in his pleading. He explains that law enforcement for the City of Missoula arrested and charged him for assault in February 2021. He states that he was transported to a hospital for a mental health exam; that no diagnosis was made; that he was given the offer of going to West House or Warm Springs; and that he had not appeared before a Judge while this occurred. He further states that he appeared before then-Judge Jenks for an omnibus hearing, which he alleges was his first time in court. Barth provides that he has not been given the copies of court minutes and the probable cause affidavit that he has requested, and that he has a pre-trial status hearing on February 8, 2022. Barth concludes that he has been wrongly charged and arrested.

Barth's relief is not with this Court at this time or through this remedy of habeas corpus. The cause of his restraint is due to his pending criminal charge. He has not challenged want of bail. Section 46-22-103, MCA. He states he has legal counsel to represent him. We observe that Barth has on-going criminal cases in Missoula County.¹


We caution Barth to refrain from filing pleadings in this Court while he is represented by counsel. M. R. App. P. 10(1).


Barth has not demonstrated that he is illegally incarcerated. Section 46-22-101(1), MCA. Therefore,

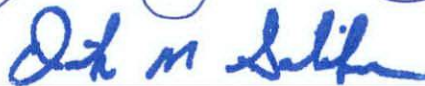
IT IS ORDERED that Barth's Petition for Writ of Habeas Corpus is DENIED, without prejudice.


The Clerk is directed to provide a copy of this Order to Sheriff Mike Toth, Mineral County; to Rich Salois, City Attorney, along with a copy of Barth's Petition; to Brittany L. Williams, Counsel for the State, along with a copy of Barth's Petition; to Stephanie McKnight, Defense Counsel, along with a copy of Barth's Petition; to counsel of record, and to Jared Barth personally.

DATED this 22nd day of February, 2022.









¹ Prior to this Petition's filing, Barth filed a Motion for Supervisory Control over the Missoula County District Court, Judge John Larson, and his counsel. Barth has two criminal cases, and one most likely originated in Justice or Municipal Court. *See Barth v. Fourth Judicial Dist. Ct.*, No. OP 22-0072.


Justices