

IN THE SUPREME COURT OF THE STATE OF MONTANA

OP 22-0097

BOLEN X SHARP,

Petitioner,

v.

CPT. MATT BOXMEYER, GALLATIN
COUNTY DETENTION CENTER,Respondent.

FILED

MAR 08 2022

Bowen Greenwood
Clerk of Supreme Court
State of Montana

ORDER

Bolen X Sharp has filed a Petition for Writ of Habeas Corpus, indicating that he is being held in jail and that his bail is excessive. He also contends that his incarceration is illegal. Sharp is currently being held in the Gallatin County Detention Center.

Sharp requests his immediate release as well as this Court reverse and remand his criminal case for dismissal with prejudice. Sharp puts forth that he is innocent and attempts to litigate the circumstances for his arrest and probable cause. He states that “we are left with a blank or empty charging document[,] . . . the Information must be excluded as fruits of the poisonous tree; leaving no indictment or information to be had[.]”

The attached documents as well as Sharp’s arguments do not demonstrate illegal incarceration. Section 46-22-101(1), MCA. On January 19, 2022, the State filed its Affidavit of Probable Cause and Motion for Leave to File Information, requesting that the District Court find the existence of probable cause to charge Sharp with felony driving under the influence (fourth or subsequent offense). The District Court granted leave on January 20, 2022.¹

Sharp is not entitled to habeas corpus relief. Sharp has thrown findings of fact, conclusions of law, and evidentiary citations in his pleading that have no merit in a petition for habeas corpus relief. Sharp poses no argument about excessive bail. See

¹ This Court requested a copy of the court’s docket sheet or register of actions.

§ 46-22-103, MCA. Sharp has an underlying criminal proceeding in the Eighteenth Judicial District Court, Gallatin County, with counsel to represent him. The District Court appointed counsel and held an initial appearance within a week of the Information's filing.

We caution Sharp to refrain from filing pleadings on his own behalf with this Court while he is represented by counsel in the District Court. M. R. App. P. 10(1)(c).

Sharp has not demonstrated that he is illegally incarcerated. Section 46-22-101(1), MCA. He is not entitled to release. Sharp retains the remedy of appeal after his conviction and sentence. Accordingly,

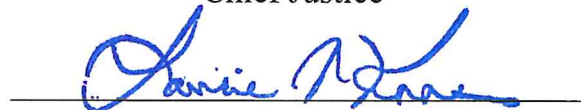
IT IS ORDERED that Sharp's Petition for Writ of Habeas Corpus is DENIED and DISMISSED.

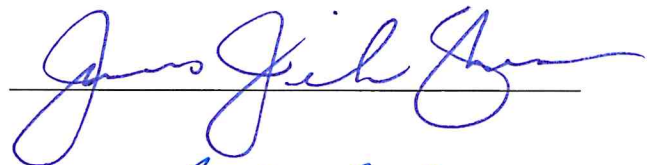
The Clerk is directed to provide a copy of this Order to: the Honorable Andrew Bruener, Gallatin County District Court; Sandy Erhardt, Clerk of District Court, Gallatin County, under Cause No. DC-22-17D; Captain Boxmeyer, Gallatin County Detention Center; Erin Murphy, Deputy County Attorney; Alex Jacobi, Defense Counsel; counsel of record, and Bolen X Sharp personally.

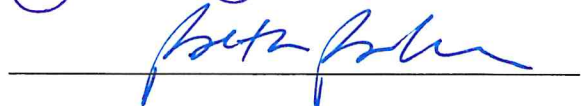
DATED this 8th day of March, 2022.



Chief Justice









Justices