



ORIGINAL

FILED

03/15/2022

Bowen Greenwood  
CLERK OF THE SUPREME COURT  
STATE OF MONTANA

Case Number: OP 22-0110

IN THE SUPREME COURT OF THE STATE OF MONTANA

OP 22-0110

FILED

MAR 15 2022

Bowen Greenwood  
Clerk of Supreme Court  
State of Montana

JEREMIAH J. WORM,

Petitioner,

v.

ORDER

CAPTAIN MATT BOXMEYER,

Respondent.

Jeremiah J. Worm has filed a Petition for Writ of Habeas Corpus, indicating that he is being held in jail and that his bail is excessive. Worm requests his immediate release. Worm is being held in the Gallatin County Detention Center.

Worm also challenges Montana statutes as unconstitutional, specifically, § 45-5-206(1)(c), MCA, where it uses “reasonable apprehension” when describing partner or family member assault and § 46-10-105, MCA, requiring a preliminary examination in the Justice Court following an initial appearance. He contends that the misdemeanor offenses are “stacked.” He indicates that his incarceration is illegal and requests reversal as well as dismissal of the charges. He includes several attachments.

Worm is not entitled to habeas corpus relief. His attachments undercut his arguments. Worm has a pending matter in the Justice Court of Gallatin County. He presents very little argument about excessive bail or want of bail. *See* § 46-22-103, MCA. Worm had his initial appearance on May 14, 2021, when the Justice Court appointed counsel. The Justice Court released Worm on that day with bail set at \$10,000 and imposed conditions on release, including alcohol use testing. On December 29, 2021, the court revoked Worm’s release because he violated his conditions. On January 6, 2022, the court issued Order for Conditions of Bail/Notice of Hearing/Trial, where it imposed conditions and bail of \$25,000.

Worm has not demonstrated illegal incarceration. Section 46-22-101(1), MCA. Although he has submitted proposed findings of fact, conclusions of law, and evidentiary citations<sup>1</sup> with his pleading, these arguments have no merit in a petition for habeas corpus relief. Habeas corpus allows a “person imprisoned or otherwise restrained of his liberty within this state” to “inquire into the cause of such imprisonment and restraint . . .” *Gates v. Missoula County Comm’rs.*, 235 Mont. 261, 262, 766 P.2d 884 (1998). The cause of Worm’s incarceration is because of his pending criminal offenses and, more recently, because he violated his conditions of release. Habeas corpus is not the remedy for alleged constitutional violations. *See Gates*, 235 Mont. at 262, 766 P.2d at 884-85. Worm has not shown constitutional violations, either statutory or under the due process clause. Worm has counsel to represent him in his underlying proceeding, and he has been informed of the case’s status as demonstrated by these copies that he includes with his Petition. Worm is not entitled to release. Worm has a remedy of appeal to the District Court after his conviction and sentence. Section 46-17-311, MCA.

We caution Worm 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). Therefore,

IT IS ORDERED that Worm’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 Rick West, Gallatin County Justice Court, Dep’t. 1; Linda Blombeck, Deputy Clerk, Gallatin County, under Cause No. TK-21-2215; Captain Boxmeyer, Gallatin County Detention Center; Jayden Johnson, Deputy County Attorney; Michael Sinks, Defense Counsel; counsel of record, and Jeremiah J. Worm personally.

DATED this 15<sup>th</sup> day of March, 2022.



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<sup>1</sup> The handwritten, copied documents with federal and state case law citations seem to be circulating in the Gallatin County Detention Center. *See Sharp v. Boxmeyer*, No. OP 22-0097, Order denying and dismissing petition for habeas corpus relief (Mont. Mar. 8, 2022).

*Lawrence R. Felt*

*James Jeremiah Green*

*John R. Felt*

*Jim Rice*

Justices