

FILED 5/11

04/28/2022

FILED

Bowen Greenwood
CLERK OF THE SUPREME COURT
STATE OF MONTANA

APR 18 2022

Case Number: OP 22-0190

Bowen Greenwood
Clerk of Supreme Court
State of Montana

Jared Barth
petitioner, pro se
Missoula County Jail
2340 Mullan Rd
Missoula, MT 59808

Montana Supreme Court, Helena Montana

Jared Barth
Petitioner
V

cause no. DC-21-414
and DC-21-371

Montana Fourth Judicial
District Court, Missoula
County, Hon John W
Larson, Presiding
Respondent

Motion for writ of
supervisory control

1. Judge Larson said that the defendant must take a mental health exam, he told the defendant that he could pick from a list of providers. This never happened.

2. The public defender office sent Dr. Scolatti, which showed up and interview the defendant on September 30, 2021. As seen in the report

The defendant is fit to proceed and has no mental health problems. (see mental health exam).

3. Attorney Stephanie McKnight showed an email to the court that the defendant is fit to proceed. On October 28, 2021, Stephanie said she was fine with the report. City attorney Rich Sabis also said the same and he had no recommendation on bail.

4. The determination of fitness to proceed MCA 46-14-221(1), can be seen in (MCA codes) and has been violated, as will be talked about below.

5. On November 3, 2021, attorney Stephanie McKnight showed up at the county jail to visit with defendant Jared Barth.

6. Defendant and attorney were behind glass because of COVID-19 concerns. The conversation was very hard to understand.

7. Attorney Stephanie McKnight and defendant Jared Barth both agreed and signed that the defendant's fitness to proceed is not an issue.

Also that neither party has a mental disease or disorder issue concerning the defendant and no examination pursuant to MCA 46-14-20, will be requested or conducted (see omnibus memorandum page 2 and 6, both cause no.)

8. District attorney Brittany Williams also made and signed the omnibus memorandum

9. We went to court about 20 minutes after signing the omnibus memorandum.

10. City attorney Rich Salois was replaced after being on the cases since day one, with district attorney Brittany Williams.

11. District attorney Brittany William in court start saying that she wanted the defendant to stay in jail and wanted one more mental health exam.

12. Judge Larson agreed with district attorney Brittany Williams.

13. Judge Larson later that day signed the omnibus memorandum (see page 7)
14. We had one last court date and that was november 19, 2021.
15. Dr. Scolatti was sworn and testified the same to his report.
16. From november 4, 2021 to november 19, 2021, the defendant had no contact with his attorney or the office of public defenders.
17. Attorney Stephanie McKnight lied in court saying that the defendant was in a maniac state, when he talked with her and another attorney. She never named this attorney nor did she say how or when this happened.
18. Judge Larson agreed with attorney Stephanie McKnight and stopped further proceeding until the state hospital prepares an evaluation
19. The defendant has been in jail since July 14, 2021. That is a total of 267 days since signing this document.

20. The defendant has had his trial suspended now for 142 days, which violates the defendant's speedy trial rights.
21. The courts have violated the omnibus agreement MCA 46-13-110 (see omnibus memorandum page 1)
22. Also the court is in violation of MCA 46-14-201. (see omnibus memorandum page 6)
23. There has been a lot of other legal errors though this courtroom process.
24. All of these errors in law have violated the defendant's due process rights. Seen in the Montana constitution Article II, Section 17. (see Montana constitution)
25. The defendant's enumerable rights have been construed to deny him, his life and liberty. which is a violation of Article II, Section 34 (see Montana constitution).
26. Because of the law violation and constitutional violations, The district court is proceeding under a mistake of law and causing a gross injustice.

27. The last court date November 19, 2021, titled minute entry. You can see that Judge Larson said defendant Jared Barth could be pro se

28. We can also see that the court has found the defendant fit to proceed and the court process must be stated again.

29. The effect of the unconstitutional ruling on these proceedings is so unfair that "denial of a speedy remedy would be tantamount to a denial of Justice." (see State v Dist. Ct. of First Jud. Dist, 24 Mont. 539, 63 P. 395, 400 (1900)).

Prayer for Relief

1. The Montana Supreme Court to exercise Supervisory Control

2. Remove Judge Larson for Judge marks

3. start the court process back up, so we can proceed to trial

4. Remove Brittany William for Rich Salois

Respectfully submitted
4/11/2022

Jared Barth
Jared Barth
Missoula County, MT
2340 Mullan Rd
Missoula, MT 59808

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1. page numbers are seen at the top right.
2. (Page 2) Montana constitution
3. (Page 3). Montana case law
4. (Page 4) MCA codes
5. (Page 5-11). motion for writ of supervisory control and argument
6. (Page 1) minute entry, last court date, date top left of page. Defendant's pro se status
7. (Page 1-3) Dr. Scolatti mental health exam
8. omnibus memorandum, cause no. DC-21-371. Page numbers see at bottom right.
9. omnibus memorandum, cause no. DC-21-414 page number see at bottom right.
10. (Page 2 and 6) mental health agreement (omnibus paper)
11. (Page 7) signature of all parties involved

Montana Constitution

1. Article II, Section 17.

Due process of law. No person shall be deprived of life, liberty, or property without due process of law.

2. Article II, Section 34

The enumeration in the constitution of certain rights, shall not be construed to deny or disparage other retained by the people.

Montana case law

1. State v Dist. Ct. of First Jud. Dist, 24 Mont.
539, 63 p. 395, 400 (1900)

MCA Codes

Determination of fitness to proceed
MCA 46-14-221(1).

- (1.) The issue of the defendant's fitness to proceed may be raised by the court, by the defendant or the defendant's counsel, or by the prosecutor. When the issue is raised, it must be determined by the court. [If neither the prosecutor nor the defendant's counsel contests the findings of the report filed under 46-14-206, the court may make the determination on the basis of the report.] If the finding is contested, the court shall hold a hearing on the issue. If the report is received in the evidence upon the hearing, the parties have the right to subpoena and cross-examine the psychiatrists or licensed clinical psychologists who joined in the report and to offer evidence upon the issue.

Certificate of Service

I certify that I filed this

☒ Petition

☐ Motion

☐ Other

with the clerk of the Montana Supreme Court and that I have mailed or hand delivered a copy to each attorney of record and any other party not represented by counsel as follows:

Brittany Williams
200 W Broadway
Missoula, MT 59802
counsel for state of montana

~~Jared Barth~~

Jared Barth
2340 Mullan Rd
Missoula, MT 59808

Jared Barth

Dated this 21st day of April 21, 2022

certificate of service

I certify that I filed this

☒ petition

☐ motion

☐ other _____

with the clerk of the Montana Supreme Court and that I have mailed or hand delivered a copy to each attorney of record and any other party not represented by counsel as follows:

John W Larson
200 W Broadway
Missoula, MT 59802
counsel for State of Montana

Jared Barth
2340 Muller Rd
Missoula, MT 59808

~~Just. Barth~~

Jared Barth

Dated this 11th day of April, 2022