



ORIGINAL

FILED

05/09/2022

Bowen Greenwood
CLERK OF THE SUPREME COURT
STATE OF MONTANA

Case Number: OP 22-0247

Harley Dane Big Day
Inmate Name

215-4485
Inmate ID or AO#

Montana State Prison
Facility of Incarceration

N/A
Address of Facility

Deer Lodge MT N/A
City State Zip

FILED

MAY 09 2022

Bowen Greenwood
Clerk of Supreme Court
State of Montana

IN THE SUPREME COURT OF THE STATE OF MONTANA

No. _____
[The Clerk of Court will assign a number]

Harley Dane Big Day,
NAME
PETITIONER,

v.

Jim Salmons,
NAME OF WARDEN/FACILITY ADMINISTRATOR,

Petition for Writ of
Habeas Corpus

RESPONDENT.

I, Harley Dane Big Day, am representing myself, and I
[Name of Inmate]
believe that I am entitled to a Writ of Habeas Corpus under § 46-22-101, MCA, for one
or more of the following reasons:

[Check the applicable box]:

- ☒ The Department of Corrections has incorrectly calculated my sentence which illegally extends my parole eligibility or discharge date.
- ☐ The Parole Board should have granted me a parole AND the Board violated my Due Process rights in denying me a parole.
- ☒ I am entitled to more credit for jail time served than I received.

☒ My sentence is illegal because:

☐ I was sentenced after April 28, 1999, and I received a sentence of more than 5 years to the Department of Corrections, none of which was suspended.

☐ My sentence violates my right to be free from double jeopardy.

☐ The length of my sentence is longer than the law allows.

☒ I am entitled to good time that is not credited against my sentence.

☒ I am being held in jail and I believe my bail is excessive.

☐ Other reason incarceration is illegal.

Describe in detail why you are entitled to habeas corpus relief. Be specific. If possible, provide citations to legal authority. Attach any documents that help you explain why the Court should grant your petition. A copy of any judgments, orders or other documents that support your argument must be provided.

Due to my incarceration now, OPD of
Billings Refuses to Help me Provide e
Document's to prove my argument.
I've requested through Kites & Phone Calls.
On March of 2016 I was arrested
for DC 16-0268, July 20, 2018 I
was sentenced to 18 years 5 suspended.
Given Credit for time served. From
March 16, 2016, My Council Refused
to Argue that I should be Credited
from March 11th 2016, Because @ the
Time & Moment I, Couldn't Prove
I was incarcerated for DC-16-0268
(See pg 2)

[Use extra pages if necessary]

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Even on my Expiration date I still will be serving Over my Max & what I was ~~sentenced~~ Sentenced to, Made up date's. March 16, 2021 to Feb 13, 2022; is and will be well over 5 years.

Judge Harada of Yellow Stone refused to Hear me when I speak & Critizes me for not picking up a Phone when I was unexpectedly released. it my fault ~~Amur~~ for Enduring Exssesive Confinment, Its my fault I didn't get Help others get when released.

I asken to have the rest of my sentence vacated and See my Due Process is Violated from Yellow Stone County. My Sentence is wrong & I paying the the price for there Mistake's.

Please Note again I served 7 days Over my Max DOC & Will be Serving Over my Max on Suspended

Note I was never released to the Community March 17, 2021. DOC History Process other wise

As relief, I request the following:

- ☒ my immediate release from prison.
- ☒ reduction of my sentence or that this Court remand this cause to the district court directing the court to resentence me to a lesser sentence.
- ☐ that the Department of Corrections recalculate my sentence as this Court directs.
- ☐ Other relief. Explain:

VERIFICATION

STATE OF MONTANA)
County of Yellow Stone) : ss.

I believe I am being incarcerated illegally. I certify that the contents of this petition are true and accurate to the best of my knowledge.

DATED this 5th day of May, 2022.

Harley Big Day
Inmate Signature

Harley
Printed Name

CERTIFICATE OF MAILING (SERVICE)

I hereby certify that on May 5th, 2022, I have mailed the Petition for a Writ of Habeas Corpus, as noted by a check mark (✓), to the following attorney by placing a copy in the United States Mail, postage prepaid:

✓ State of Montana

(see INSTRUCTIONS #9)

Office of the Attorney General

P. O. Box 201401

Helena, MT 59620-1401

or

☐ _____ County Attorney (see INSTRUCTIONS #9)
[Write name of County]

Harley Big Day
[Signature]
Harley Big Day
[Print name]

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