



ORIGINAL

FILED

07/18/2022

FILED Bowen Greenwood
CLERK OF THE SUPREME COURT
STATE OF MONTANA

Case Number: OP 22-0387

JUL 18 2022

Bowen Greenwood
Clerk of Supreme Court
State of Montana

Ava Hickman
Inmate Name

Inmate ID or AO#

Butte Silver Bow Detention Center
Facility of Incarceration

155 W. Quartz
Address of Facility

Butte MT 59701
City State Zip

IN THE SUPREME COURT OF THE STATE OF MONTANA

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

Ava Hickman
NAME PETITIONER,

Petition for Writ of Habeas Corpus

v.

Mark Johnson
NAME OF WARDEN/FACILITY ADMINISTRATOR,

RESPONDENT.

I, Ava Hickman, am representing myself, and I
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.

I have been incarcerated here BSB Detention Center
since Dec 2, 2021. My original charges are
from May of 2018 and I need and want
to go home. My conflict attorney was
appointed to me on April 4, 2022 after
judge whelan dismissed J.B. Anderson, ATT.
It has taken all this time for
conflict attorney Victor Bunitsky to
put in motion to dismiss. I had asked
J.B. Anderson to put in motion to
dismiss but he told me NO and would

not discuss further. This dismissal
was given to Judge Whalen on
the 5th of July, yet here I sit.
Today is 226th day I have been
in here. I have more papers that
I should send but as this place
will not make copies for inmates
I can't send mine but I can
send the dismissal. I don't understand
why I'm not out of here and I
hope you can help. I was arrested
in Dec 2, 2021 on a bench warrant that
was signed in Sept 17, 2018 and it
wasn't filed until June of 2021.
It's crazy here, they just keep giving
me run-around. Thanks for your consider-
ation.

Ava Hickman (112 w. Pearl, Butte, MT)
155 w. Quartz
Butte, MT 59701

No way to make copies for Attorney General
enclosed BSB Delinquent Rule Book

[Use extra pages if necessary]

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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 Silver Bow) : 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 14 day of July, 2022.

Ava Hickman
Inmate Signature

Ava L. Hickman
Printed Name