

ORIGINAL

FILED

08/30/2022

Bowen Greenwood
CLERK OF THE SUPREME COURT
STATE OF MONTANA

Case Number: OP 22-0439

IN THE SUPREME COURT OF THE STATE OF MONTANA

OP 22-0439

MAYNARD WHITEMAN,

Petitioner,

v.

JASON VALDEZ,
Yellowstone County Detention Center,

Respondent.

FILED

AUG 30 2022

Bowen Greenwood
Clerk of Supreme Court
State of Montana

ORDER

Maynard Whiteman petitions this Court for habeas corpus relief, indicating illegal incarceration because he claims he has been in custody for more than 200 days. He maintains that someone else committed the offenses and that the evidence has been tampered with. Whiteman also raises claims concerning his arrest and alleges that \$215 and his phone are missing. He seeks his immediate release.

Available electronic records indicate that Whiteman has two sentences from criminal cases, originating in 2014 and 2017, in both the Yellowstone County and Richland County District Courts. The Board of Pardons and Parole (Board) granted Whiteman parole on those sentences on April 12, 2021, placing him with the Department of Corrections (DOC).

Whiteman was arrested and charged with felony possession with intent to distribute in December 2021. We secured a copy of his recent case's docket sheet from the Yellowstone County District Court. On December 13, 2021, the State filed its charging documents, and the District Court held an arraignment the next day. The court imposed a bond of \$15,000 as well as a GPS requirement. The court also appointed counsel from the Office of Public Defender for Whiteman.

Even though the court issued a Release Order, it has no consequence here. Because Whiteman was a parolee when he was arrested, the DOC may hold him until the Board

holds a revocation hearing. Sections 46-23-1024, and -1025, MCA. He may also be held on no bond. Section 46-23-1024(6), MCA.

Whiteman has not demonstrated illegal incarceration. Section 46-22-101(1), MCA. The causes of his incarceration are due to his pending criminal case as well as the DOC's hold. He is not entitled to release. Whiteman retains the remedy of appealing any conviction and sentence with this Court. Section 46-20-104(1), MCA. Therefore,

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

The Clerk is directed to provide a copy of this Order to counsel of record; to Maynard Whiteman personally; and to Terry Halpin, Clerk of District Court, Yellowstone County, under Cause No. DC 2021-1569, for further distribution to the presiding District Court Judge and counsel of record in the underlying proceeding.

DATED this 30th day of August, 2022.



Chief Justice

