



ORIGINAL

FILED

09/27/2022

Bowen Greenwood  
CLERK OF THE SUPREME COURT  
STATE OF MONTANA

Case Number: OP 22-0494

IN THE SUPREME COURT OF THE STATE OF MONTANA

OP 22-0494

JUSTIN J. CASTNER,

Petitioner,

v.

PETER BLUDWORTH, Warden,  
Crossroads Correctional Center, and  
JAMES SALMONSEN,  
Montana State Prison,

Respondents.

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Clerk of Supreme Court  
State of Montana

ORDER

Justin J. Castner has petitioned for habeas corpus relief. He contends the “detainer portion” of his incarceration is illegal because he was not returned to Colorado for prosecution of his offenses there, in contradiction of § 46-31-101, Interstate Agreement on Detainers (IAD). We conclude herein that Castner’s petition is moot. We amend the caption to indicate Castner’s recent transfer to the Montana State Prison.

Castner argues the State of Colorado failed to comply with the IAD upon his request and failed to bring him to trial within 180 days, pursuant to § 46-31-101, Art. III(1). Thus, Castner contends his right to a speedy trial has been violated.

However, upon review, Castner has not demonstrated he provided requisite notice of a request for final disposition to the State of Colorado through this State. Castner provides a copy of a February 19, 2021 agreement on detainers form that he signed. As provided on this document, pursuant to the IAD, Castner was required to notify the records department of the institution in which he was confined that he wanted to proceed to final disposition on pending charges. As the form advised Castner, “Should you desire such a request for final disposition of any untried indictment, information or complaint, you are to notify. . . . [the] Records Supervisor of the institution in which you are confined.” There is no indication in the record that Castner, as a prisoner, requested final disposition here.

Section 46-31-101, Art. III(4), MCA. As we have explained:

The speedy trial clock provisions of the IAD are not triggered until the prosecutor and court receive the prisoner's request for a speedy trial pursuant to the strictures of the IAD. . . . One simply cannot say that a requesting state has a duty under the IAD to bring a prisoner incarcerated in another state to trial until it receives notice of the prisoner's request to invoke the IAD's speedy trial provisions.

*State v. Dodson*, 2009 MT 419, ¶ 41, 354 Mont. 28, 221 P.3d 687; *see also Blakey v. Dist. Ct.*, 232 Mont. 178, 181, 755 P.2d 1380, 1382 (1988) (IAD "requires the state issuing a detainer, the receiving or demanding state, to bring the accused to trial within 180 days after the accused requests final disposition of the matter."). Because Castner did not notify the Records Department that he sought final disposition of a pending charge, he was properly processed to complete his sentence in Montana.

Castner includes a February 19, 2021 letter from Montana State Prison, responding to a letter from the Larimer County Attorney. The letter acknowledged receipt of a Colorado Warrant of Arrest, advised that the prison would notify the Larimer County Attorney prior to Castner's release, and explained Castner would discharge his Montana sentence on September 18, 2022. Pertinently, this Court has recognized that issuance of an arrest warrant from the receiving state is not sufficient to trigger the provisions of the IAD in the custody state. *Blakey*, 232 Mont. at 184-85, 755 P.2d at 1384. According to available electronic records, Castner was moved to the Montana State Prison on September 1, 2022, and then released to a jail in the State of Colorado on September 19, 2022. Caster is no longer incarcerated in Montana, and his claim is moot. *Cape v. Crossroads Corr. Ctr.*, 2004 MT 265, ¶ 25, 323 Mont. 140, 99 P.3d. 171.

Castner has not demonstrated that he is illegally incarcerated in Montana. Section 46-22-101(1), MCA. Accordingly,

IT IS ORDERED that Castner's Petition for Writ of Habeas Corpus is DISMISSED, as moot.

The Clerk is directed to provide a copy of this Order to counsel of record and to Justin James Castner, Larimer County Detention Center, 2405 Midpoint Dr., Ft. Collins, Co. 80525.

DATED this <sup>42</sup>27 day of September, 2022.

Joan Rice  
Lauree McLean

Butterfield

James Jeremiah Green

Deborah M. Sullivan  
Justices