

FILED

10/04/2022

Bowen Greenwood
CLERK OF THE SUPREME COURT
STATE OF MONTANA

Case Number: OP 22-0520

IN THE SUPREME COURT OF THE STATE OF MONTANA

OP 22-0520

MAYNARD WHITEMAN,

Petitioner,

v.

JASON VALDEZ, Yellowstone County
Detention Facility,

Respondent.

FILED

OCT 04 2022

Bowen Greenwood
Clerk of Supreme Court
State of Montana

ORDER

Maynard Whiteman petitions this Court for habeas corpus relief, indicating that his incarceration is illegal because he has been denied due process and because he has not signed a waiver of a speedy trial. He states that he has been in the Yellowstone County Detention Center for more than nine months and that he has not had any visits from his public defender. Whiteman states he is not a drug dealer and that before all of this, he was in college and working because he changed his life. He further states that he “feel[s] like the County is just trying to get a conviction because [he] was on parole [and] [he’s] a Native American.” He requests dismissal of his case.

Available electronic records indicate that the Board of Pardons and Parole granted Whiteman parole in May 2021 and that he was arrested in December 2021 for various reports of violations. In a prior Order, this Court explained to Whiteman that the cause of his restraint was due to his arrest for new offenses while he was a parolee. *See Whiteman v. Valdez*, No. OP 22-0439, Order denying habeas corpus relief (Mont. Aug. 30, 2022).

We secured a copy of the District Court’s docket sheet. Whiteman has counsel to represent him, and the court has continued his jury trial at least twice. On September 13, 2022, the court held a trial status hearing. The court re-scheduled the jury trial for November 22, 2022.

Whiteman raises claims that are not addressable or capable of review in a petition for habeas corpus relief. Section 46-22-101(1), MCA. While he alleges that his restraint or incarceration is illegal, habeas corpus is not the remedy for his constitutional claims concerning due process or speedy trial. *Gates v. Missoula Cnty. Comm'rs*, 235 Mont. 261, 262, 766 P.2d 884, 884-85 (1988).

Further, Whiteman should refrain from filing pleadings on his own behalf with this Court while he is represented by counsel in the District Court. M. R. App. P. 10(1)(c).


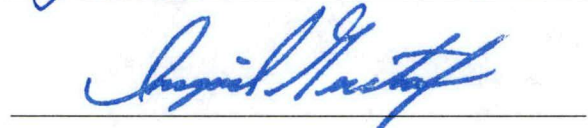
Therefore,

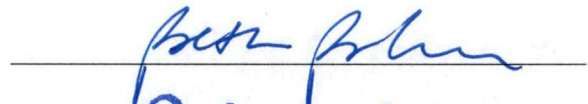
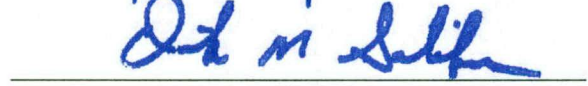
IT IS ORDERED that Whiteman's Petition for Writ of Habeas Corpus is DENIED and DISMISSED.

The Clerk is directed to provide a copy of this Order to: the Honorable Jessica Fehr; District Court Judge; Terry Halpin, Clerk of District Court, under Cause Nos. DC 14-454, DC 17-24, and DC 21-1569; Benjamin Langford, Deputy County Attorney; Blaine McGivern, Defense Counsel; and Maynard Whiteman, personally.

DATED this 4th day of October, 2022.


Chief Justice



Justices