

ORIGINAL

DA 21-0425

FILED

11/07/2022

Bowen Greenwood  
CLERK OF THE SUPREME COURT  
STATE OF MONTANA

Case Number: DA 21-0425

JAY DONALD WITKOWSKI 3002444

50 CROSSROADS DR

SHELBY MONTANA 59474

FILED

NOV 07 2022

Bowen Greenwood  
Clerk of Supreme Court  
State of Montana

## MONTANA SUPREME COURT

Name of Petitioner

Name of Respondent

Jay Donald Witkowski

State of Montana

Vs.

**MOTION TO FILE:** MOTION: to Withdraw Guilty Plea and dismiss charges

I, JAY DONALD WITKOWSKI, respectfully asks the court to allow me to withdraw my guilty Plea, I have/and am being denied access to evidence the State used against me. Have been denied to have a copy of the surveillance video from Valley County Jail, the day of the attempted escape in August 2017, which I have NEVER seen. My attorney at the time(who I never saw in person) never showed it to me or requested copy of/seen it himself, as far as I know. The District Court says they no longer have jurisdiction over the video as I have an appeal of PCR, and the Supreme Court has said my motion is dismissed because its moot. I have the right to see evidence in my case, and I have been given restitution on a charge that was dismissed, and there is NO evidence that there was any damage done to the kitchen sink the day of the attempted escape. And IF there is a video from the common area, it will show that what I have said to be true. We Did NOT lock Daria in anywhere, she was never harmed or threatened or intimidated, she used the button to unlock the self-locking door, like she did every other day. And she followed us down the hallway, and was back to work her next shift. I currently have an appeal for the PCR pending, and still have other legal avenues I intend to pursue. I do not believe my case meets the criteria for aggravated kidnapping, and by denying me access to evidence is a violation of my due process, and fair/impartial legal process. How can I possibly put together a legal defense or prove what I am saying to be true, without access to evidence and/or the help of legal counsel. As someone with mental health disorder, and learning disabilities. Bi polar depression adhd.

My attorney did not help with the appeal process, therefore not knowing the process, it was denied, filed the PCR, the best I could without have evidence or access to said evidence. It was dismissed, without cause, I am currently appealing the dismissal of PCR, but unable to prove what I say to be true because I have/am being denied access to evidence that the state used

and should  
dismiss  
charges

against me, which I am entitled to see and have that right. If the state is so sure of their stance in this case, why deny me access to evidence (video)..

The other defendant in this case received a 5 year sentence with some suspended, I also believe he was promised a lighter sentence, by prosecutor, if he put all the blame on me, which he did.

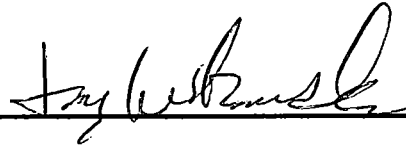
I have filed official complaints against, valley county sheriffs department and staff at that time, Judge Yvonne Laird, and Dylan Jensen. Therefore, sending this motion to the 17<sup>th</sup> judicial district court/Judge Laird, would/should be a conflict, as they have denied or dismissed every motion I have sent to the court. (in both of my cases)

*Dr. Dylan Jensen*  
I am currently and have been incarcerated for over 5 years, currently at Crossroads Correctional Facility, 50 Crossroads Dr., Shelby Mt 59474. Have been denied an attorney for post-conviction, and appeal of post-conviction, not understanding how to request copy of evidence in my case, and how the process all works, trying to figure it all out, as someone with learning disabilities and mental health issues.

Respectfully submitted this 3<sup>rd</sup> day, of November 2022.

Jay Donald Witkowski

(signature)



## CERTIFICATE OF SERVICE

I certify that I have file this **Motion** <sup>to Withdraw guilty Plea</sup> with the Clerk of the Montana Supreme Court; and that I have mailed copies to the ~~Clerk of the District Court, and~~ Valley County Attorney as follows  
And mt Attorney General

Valley County Clerk of Court

501 2<sup>nd</sup> Ave South

Glasgow Mt 59230

Alexander Knudsen  
mt Attorney General  
215 W Sanders St  
Helena mt 59601

Dylen Jensen

Valley County Attorney

501 E. Court St

Glasgow Mt 59230

DATED this 3 day of November, 2022

signature Jay Witkowski

print name Jay Witkowski