



ORIGINAL

FILED

01/25/2023

Bowen Greenwood
CLERK OF THE SUPREME COURT
STATE OF MONTANA

Case Number: OP 23-0032

IN THE SUPREME COURT OF THE STATE OF MONTANA

OP 23-0032

CARLOS SANCHEZ,

Petitioner,

v.

TOM GREEN,

Dawson County Correctional Facility,

Respondent.

FILED

JAN 24 2023

Bowen Greenwood
Clerk of Supreme Court
State of Montana

ORDER

Self-represented Petitioner Carlos Sanchez has filed a petition for a writ of habeas corpus, indicating that he is entitled to more credit for jail time than he received. He states that he “was previously incarcerated in Big Horn County Jail (Hardin, MT) in 2011, [f]or the duration of that time, [he] got no credit” He requests that the Department of Corrections recalculate his sentence as this Court directs. Sanchez provides no other information or supporting documentation.

It appears that Sanchez is referring to credit for time served from a criminal case from more than a decade ago. As a petitioner, Sanchez has the responsibility to provide enough information to consider his request for relief. This Court has stated before that a petitioner for habeas corpus relief carries this “burden of proof or the burden of persuasion.” *In re Hart*, 178 Mont. 235, 249, 583 P.2d 411, 418 (1978). Sanchez has not met his burden of proof here.

This Court provides self-represented litigants much latitude, but “that latitude cannot be so wide as to prejudice the other party[.]” *Greenup v. Russell*, 2000 MT 154, ¶ 15, 300 Mont. 136, 3 P.3d 124. Sanchez needs to provide this Court with information, such as either the conviction, sentence, a copy of a final judgment, or a sentence calculation.

Therefore,

IT IS ORDERED that Sanchez's Petition for Writ of Habeas Corpus is DISMISSED without prejudice. Sanchez may return to this Court with a petition for habeas corpus relief and additional information.

The Clerk is directed to provide a copy of this Order to counsel of record and to Carlos Sanchez along with a copy of M. R. App. P. 14(5).

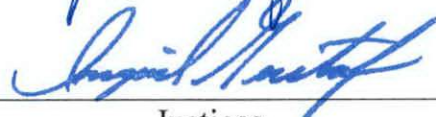
DATED this 24th day of January, 2023.











Justices