

## IN THE SUPREME COURT OF THE STATE OF MONTANA

OP 23-0258

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LEON MICHAEL FORD,

Petitioner,

v.

O R D E R

MONTANA FIRST JUDICIAL DISTRICT  
COURT, HON. MIKE MENAHAN, Presiding,Respondent.

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Petitioner Leon Ford seeks a writ of supervisory control over the First Judicial District Court following its April 26, 2023 refusal during the final pretrial conference to continue Ford's May 30 deliberate homicide trial. Ford sought the continuance after receiving a report that excluded him as a source of DNA on cable/zip ties found with the victim's remains. The report disclosed DNA of an unidentified male, and Crites has retained DNA experts to attempt to identify the source. Citing his constitutional right to obtain exculpatory evidence, Ford claims the District Court is proceeding under a mistake of law, and appeal would afford an inadequate remedy.

Having reviewed the petition and the District Court's bench ruling, the Court deems it advisable to obtain a summary response. Cognizant of the trial date, the Court

HEREBY ORDERS that the Respondent, the State of Montana, or both, are granted seven (7) days from the date of this Order within which to file a response to the Petition in accordance with M. R. App. P. 14(7)(a).

The Clerk is directed to provide immediate notice of this Order to all counsel of record in the District Court's Cause No. ADC 2020-0493 and to the Honorable Mike Menahan, presiding Judge.