



FILED

08/29/2023

Bowen Greenwood  
CLERK OF THE SUPREME COURT  
STATE OF MONTANA

Case Number: OP 23-0446

IN THE SUPREME COURT OF THE STATE OF MONTANA

OP 23-0446

FILED

AUG 29 2023

Bowen Greenwood  
Clerk of Supreme Court  
State of Montana

ANGELO GOWDY,

Petitioner,

v.

STATE OF MONTANA,  
Missoula County, and  
JAMES SALMONSEN,  
Warden,

Respondents.

ORDER

Angelo Gowdy has filed a petition for habeas corpus wherein he requests credit for time he served on his suspended sentence. He states the Missoula County District Court revoked his suspended sentence in 2022. Gowdy contends that, pursuant to § 46-18-203(7)(b), MCA, the sentencing court should have given “credit for these days . . .” and estimates the date range to be June 28, 2021 to March 8, 2022. Gowdy provides no supporting documentation for the date range. We amend the caption to include the prison Warden’s name. Section 46-22-201(1)(c), MCA.

We secured a copy of Gowdy’s recent judgment for his sentence upon revocation. On August 4, 2022, the Missoula County District Court revoked his 2013 sentence and imposed a three-year commitment to the Department of Corrections for his felony escape conviction. The court awarded thirty days of credit for time served along with five months for street time credit, or time while on probation.

Contrary to Gowdy’s contentions, the court awarded him credit for time on his suspended sentence. The court also stated its reasons for the sentence. Gowdy’s claim for credit is moot. “A question is moot when the court cannot grant effective relief.” *Sebastian v. Mahoney*, 2001 MT 88, ¶ 8, 305 Mont. 158, 25 P.3d 163 (citation omitted). We point

out that Gowdy cannot challenge his sentence upon revocation through this remedy of habeas corpus relief. Section 46-22-101(2), MCA. Therefore,

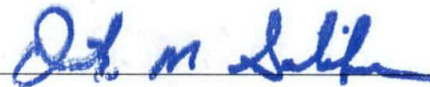
IT IS ORDERED that Gowdy's Petition for Writ of Habeas Corpus is DENIED and DISMISSED.

The Clerk of the Supreme Court is directed to provide a copy of this Order to counsel of record and to Angelo Gowdy personally.

DATED this 29<sup>th</sup> day of August, 2023.



Chief Justice



Justices