

ORIGINAL

FILED

10/12/2023

Bowen Greenwood
CLERK OF THE SUPREME COURT
STATE OF MONTANA

Case Number: OP 23-0601

Logan Dallas Christopher

INMATE NAME

3028903

INMATE ID #

Montana State Prison

INMATE FACILITY

700 Conley Lake Rd.

FACILITY ADDRESS

Deer Lodge, MT 59722

ADDRESS Continued

FILED

OCT 12 2023

Bowen Greenwood
Clerk of Supreme Court
State of Montana

Petitioner Pro Se

IN THE SUPREME COURT OF THE STATE OF MONTANA

~~IN THE STATE OF MONTANA, 21 JUDICIAL DISTRICT COURT,~~
~~Ravalli COUNTY~~

<u>Logan Dallas Christopher,</u> INMATE NAME Petitioner, vs. <u>James Salmonsens</u> NAME OF WARDEN Respondents.	PETITION FOR WRIT OF HABEAS CORPUS
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First, tell the Court these facts:

FOR YOUR PRESENT INCARCERATION:

On what date(s) were you sentenced? July 15, 2020

PETITION FOR WRIT OF HABEAS CORPUS

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Logan Christopher 3028903
INMATE NAME & ID NUMBER

What was the sentence(s)? 3 Life Sentences running Concurrently,
10 Years Consecutivly,
10 Years Consecutivly.

Did the judge give you credit for time served on this sentence? Yes

How much? 127 Days

In the space below tell the Court in your own words why you believe you are now or will be illegally incarcerated in the future. You do not need to cite any case law or statutes. Please be as brief as possible and do not use any more than the paper provided. You do not need to use all the paper provided. If you do not understand this form or the instructions or you do not read or

write English, see your case manager.

Petitioner alleges that His conviction is in Violation of the United States Constitution's XIV (14) Amend. by depriving the Petitioner of his life, his liberty, and his property.....

Petitioner alleges that the State of Montana's Legislature's Statue labled as "Leave to File Information" and Montana's Constitution Article II (2) § 20 are type's of "Informations" used to allow the Judge as a procedure to start the proceeding that is classed under Criminal Prosecution(s).

Montana's Legislature also has bound ALL State Judge's to the Federal United States Constitution under MCA. 1-1-105, along with the Supreme Court stating in "Marbury v. Madison, 5 U.S. 137, *180" - States;

[that] "The Court, as well as other Departments are bound to that instrument" and "a law repugnant to the U.S. Constitution is Void".

It is said [the Fourteenth Amend.] nullifies and makes void all State Legislative and State actions of every kind, which impairs the privileges and immunities of Citizens of the United States, or which injures them in Life, Liberty, or Property without Due Process of the Law, or which denies to anyone the equal protection of the [Laws] "United States vs Stanley, 109 USS. 33, 53 S. Ct.

18, 27 L. Ed 835.....".

Authority:

Petitioners claim gets it's Authority from the Supreme Court of the United States "Constitutional Law" which is the Law of the Land, and is the only Court that can make binding rules for ALL Courts inferior to it by Constitutional Law. The State's procedure shows the fundamental misunderstanding of federalism, but Petitioners claim(s) will make it clear that the Court in Montana have but one course of action and "the states own ignorance of the Law can't be used as a defense."

The Courts in Montana have relied on the Case Laws of "Ah Jim 23, P. 76 (1890)" and "Hurtado v. California, 110, U.S. 516-532-33 (1884) to define what is Procedural Due Process of Law, but it can be shown that this is just part of what is required.

In the Laws that Petitioner has stated, Petitioner is not here to say that the State of Montana is to throw out the case of "Ah Jim" and or is not to use "Hurtado". Petitioner would simply ask for the Montana Supreme Court to Consider the History of "procedure's".

In the "Hayburns Case, 22 U.S. 409 done Aug. 11, 1792", this mandate was placed for all Courts in the United States. Please read: "The Court considers that the practice of the Courts of the King's Bench and the Chancery in England as affording outlines for the practice of this Court; and that they will from time to time make such alterations there in, as circumstances may render necessary".

Petitioner now advances the time line 4 years for the convenience of this Court. See in "United States v. La Vengeance case 3. U.S. S. Ct. 297" Dated 1796 it explained that: "Informations are proceedings at Common Law and classed with Criminal Prosecutions, but there are but two kinds of "Information Known in England".

(1) in the Exchequer touching matters of Revenue.

(2) in the "King's Bench" touching the punishment of misdemeanors. [3 Bl. Com. 262]

petitioner would point out that the same [Blackstone Commentary] [3 Bl. Com. 262] are defined in the cases "Ah Jim" and "Hurtado". This is because of the use of the "King's Bench" now is codified Constitutional Law out of the United States Supreme Court, and is in use in the Colony(s) which later becomes the

United States of America.

Petitioner and this Court "when faced with a clash of Constitutional principal and a line of unreasoned cases wholly divorced from the text, history, and structure of our founding document, we should not hesitate to resolve the tension in favor of the Constitutons's original meaning". Justice Clarence Thomas, site (omitted).

The very "Blackstone Commentaries" are the primary legal authority. See the following as it's clearly stated out of the United States Supreme Court Constitutional law of case: "Schick v. United States, 195 U.S. 65, 24 S. Ct. 826, 827, 49 L. Ed. 993 (1904) (emphasais added)". - Stated; "The Supreme Court of the United States noted that the Blackstone Commentaries are accepted as the most satisfactory exposition of the Common Law of England". [and] "Washington v. Glucksberg, 512 U.S. 702, 712, 117 U.S. S. Ct. 2258, 2263-64, 117 S. Ct. 2302, 138 L. Ed. 2d 772 (1997)" - stated; "The Blackstone Commentaries on the Laws of England provided legal authority for 18th and 19th century American Lawyers". [and] "United States v. Bevens 16 U.S. 336 S. Ct. (Feb. 21, 1818)" -Stated; "We never admitted the right of the British Parliament to bind us in any case".

Petitioner would point out that the Supreme Court in "Mattox v. United States, 156 U.S. 237 Sup. Ct. (Feb. 4, 1895)". -Reads; "The Constitution [3]*** should be interpreted in light of the law as it existed at the time it was adopted, not as reaching out for new guarantees of the rights of the citizens, but as securing to individual such as He already possessed as a British subject - such as His ancestors had inherited and defended since the days of the Magna Charta". [the ordinance or 1787].

Knowing the adherence to the Supreme Courts decision under the Doctrine of "Star Decisis" as noted by the Court in "Seminole Tribe of Fla v. Fla. 517 U.S. 44, 67, 116 S. Ct. 1114, 134 L. Ed. 2d. 252 (1996)" -Stating; "When an opinion issues for the Court, it's not only the result but also those portions of the opinion necessary to that result by which we are bound". [and] "United States v. Duvall, 740 F. 3d. 604, 408 U.S. App. DC. 73 (DC. Cir. 2013)" reading that Mr. Kavanaugh, J concurring in the denial of rehearing en banc. Stating; "Vertical Stare Decisis applies to Supreme Court precedents in two ways", Id. HN8. HN8 Stating; "First, the result in a given Supreme Court case binds ALL lower Courts. So once a rule, test, standard, or interpretation has been adopted by the Supreme Court, that same rule, test, standard, or interpretation MUST be used by lower Courts in later cases". (emphasis in original).

Montana Supreme Court is and has been aware of the "King's Bench".

Petitioner refreshes this Court in just how it has been used. Please follow the following time line: "State v. Chilinski, 22016 Mt. 280 Mont. S. Ct." - "The King's Bench was a [criminal] Court of the Law". [and] "State v. Dietz, 135 Mont. 496 Aug. 44, 1959 Mont. S. Ct." - "The 'King's Bench' Dated back to 1552 in England". [and] "State v. Zumwalt, 129 Mont. 529 Mont. S. Ct." - Stating "The writ of 'Coram Nobis' comes from the 'King's Bench'". [and] "Truto v. Passmore, 38 Mont. 544 Mont. S. Ct. April 3, 1909" - "Common Law has no application where the Law is declared to be code". See: statue noting "King's Bench". [and] "State v. Ah Jim, 9 Mont. 167 Mont. S. Ct. Jan. 1890" - "The criminal practice act provides ample remedies for the execution of criminal laws, and necessarily conflicts with the proceeding by information at common law. In the next place, the use of this remedy has been limited to certain cases, and has not embraced felonies". BLACKSTONE treats this subject, and says: "There can be no doubt but that this mode of prosecution by information or suggestion, filed on record in the Court of the King's Bench, is as ancient as the common law itself.... But these informations, of every kind, are confined by the Constitutional law to mere misdemeanors only; for, wherever any Capital offense is charged, the same law requires that the accusation be warranted by the oath of twelve Men before the party shall be put to answer it". [4 Blackstone. Comm. 309, 310]. [and] "Ex Parte Wilson, 114 U.S. 417, 29 L. 3d. 89. 5. S. Ct. 935". - Stated by Mr. Justice Gray and delivered the opinion, "By the laws of England, informations by the attorney-general, without the intervention of a Grand Jury were not allowed for Capital crimes".

Petitioner has shown, that in the last case it has been in line with the Supreme Court's case "Hayburns Case (1792)", in which made the provision of the Constitution of the United States XIV (14) Amend. that says; "No person shall be deprived of life, liberty, or property without Due Process". Meaning that the Petitioner's claim of His Civil Rights of the Fourteenth Amend. has been and is still been violated, because "Information" was limited and only for misdemeanors. Also because Petitioner was convicted by the use of "Information" as the mode of proceeding in prosecution, therefore His conviction is void because it was not charged as a Capital Crime by a Grand Jury. A violation of His Civil Rights.

Relief in the form of reversal and record expunged with prejudice is under Constitutional Law of the Land that came out of the United States Supreme Court's

own Laws.....

In closing, Petitioner would like to leave this Court with one more S. Ct. case "Chisholm v. Georgia 2. U.S. 419 Feb. 19, 1793" - Stating; "ALL THE CITIZENS BEING AS TO CIVIL RIGHTS PERFECTLY EQUAL, THERE IS NOT, IN THAT RESPECT ONE CITIZEN INFERIOR TO ANOTHER".

Petitioner provides Exhibit A (1 of 2) and (2 of 2) to show that Petitioners Capital Crimes were brought forth by "Information". (See attached Pages).

VERIFICATION

STATE OF MONTANA)

County of Powell : ss.
Navajo)

I swear that I wrote this petition for habeas corpus myself. If you did not write this yourself, who wrote it for you? _____

I believe I am being incarcerated illegally.

I know of my own knowledge that everything in this petition is true.

DATED this 5 day of October, 2023
DAY MONTH YEAR

Logan Christopher
INMATE SIGNATURE
PETITIONER PRO SE

CERTIFICATE OF SERVICE

I hereby certify that on this 5 day of October, 2023
DATE MONTH YEAR

I put a copy of this PETITION FOR WRIT OF HABEAS CORPUS in the prison mail system with a prison mailing request.

Logan Christopher
Logan Dallas Christopher 3028903
INMATE NAME & ID NUMBER
PETITIONER PRO SE

PETITION FOR WRIT OF HABEAS CORPUS

Logan Christopher 3028903
INMATE NAME & ID NUMBER

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