



ORIGINAL

FILED

02/21/2024

Bowen Greenwood
CLERK OF THE SUPREME COURT
STATE OF MONTANA

Case Number: OP 24-0064

IN THE SUPREME COURT OF THE STATE OF MONTANA

OP 24-0064

FILED

FEB 20 2024

Bowen Greenwood
Clerk of Supreme Court
State of Montana

STEVEN TYRONE TIETZ,

Petitioner,

v.

ORDER

CAPT. RAY VAUGHN, Sheriff,
Butte-Silver Bow County Detention Center,

Respondent.

Steven Tyrone Tietz has filed a Petition for Writ of Habeas Corpus along with a Motion for Appointment of Counsel. Tietz contends his bail is excessive and that his incarceration is illegal.

Tietz provides a brief accounting of what has elapsed since his arrest in 2022. He states his initial bail was set at \$100,000 and he was unaware of his charges. Tietz notes that a friend bailed him out in December, but that he “was arrested again” on October 24, 2023. He adds that the court revoked his bond without setting another bail amount. He points out that he had a mental health evaluation at the State Hospital in November 2023 and that he returned to the jail on January 25, 2024. He states that he asked his counsel for a bail reduction hearing several times. Tietz further provides complaints about his appointed counsel and the conditions of confinement, as well as how he can prove his innocence.

We secured copies of the register of actions from the Butte-Silver Bow County District Court. Tietz has two pending criminal cases. The District Court arraigned him on September 8, 2022, and set a \$100,000 bond. The court initially denied his release on his own recognizance in November 2022. His bond was posted in early 2023. The State sought to revoke his release on October 25, 2023, most likely due to new charges filed in his other pending matter. Tietz has bail set at \$125,000 in his initial case and at \$25,000

in the more recent matter. The court has set jury trials in both matters for March 2024 and June 2024, respectively.

Tietz has not demonstrated illegal incarceration. Section 46-22-101(1), MCA. The cause of his restraint is due to his two pending criminal cases. The District Court released him, and Tietz violated the conditions of his release. This Court has determined that a district court has the discretion to grant or deny release and bail as well to set conditions. *Grafft v. Mont. Fourth Judicial Dist. Ct.*, 2021 MT 201, ¶ 11, 405 Mont. 192, 492 P.3d 1213. Tietz has not demonstrated want of bail, pursuant to § 46-22-103, MCA.

His other claims are not remedied by the writ of habeas corpus. This Court cannot address the conditions of confinement or his claims about counsel. Any constitutional claims are not remedied by a writ of habeas corpus. *Gates v. Missoula County Comm'rs*, 235 Mont. 261, 262, 766 P.2d 884, 884-85 (1988). Tietz may seek an appeal upon receiving a final decision from the District Court.

Lastly, Tietz should refrain from filing pleadings in this Court on his own behalf when he is represented by counsel. M. R. App. P. 10(1)(c). Accordingly,

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

IT IS FURTHER ORDERED that Tietz's Motion for Appointment of Counsel is DENIED as moot.

The Clerk is directed to provide a copy of this Order to: the Honorable Kurt Krueger, District Court Judge; Robert J. Whelan, District Court Judge; Beth Parks, Clerk of District Court, under Cause Nos. DC 22-179 and DC 23-329, and for distribution to counsel of record; Ray Vaughn, Butte-Silver Bow County Sheriff; counsel of record, and Steven Tyrone Tietz personally.

DATED this 20 day of February, 2024.



Chief Justice

Jim Rice

Kevin McKern

Butz from

Dick M. Sandberg

Justices