GREGORY DEAN LEHMAN
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Case Number: DA 24-0103

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IN THE SUPREME COURT OF THE STATE OF MONTANA

NO: DA 24 - 0103

GREGORY DEAN LEHMAN, Petitioner v. [redacted] [redacted], CITY OF BILLINGS, Respondent	PETITION OF GREGORY LEHMAN

I, GREGORY DEAN LEHMAN, COME BEFORE THE MONTANA SUPREME COURT AND HEREBY RESPECTFULLY PETITIONS THE COURT FOR ANY TYPE OF RELIEF THAT CAN BE GRANTED TO ME IN CAUSE NO: CR-2020-0000439.

I AM PRO SE IN THIS PETITION. I DO REALIZE THE REFERENCED CASE DATES BACK TO OCTOBER 27, 2020, HOWEVER, I BELIEVE THAT I AM ENTITLED TO SOME SORT OF RELIEF AS I BELIEVE THAT I AM A VICTIM OF PREJUDICE, DOUBLE JEOPARDY, CONSTITUTIONAL VIOLATIONS AND AN ILLEGAL SENTENCE. I HAVE

SET FORTH MY FACTS IN THE FOLLOWING, LENGTHY PETITION WITH EVIDENTIARY MATERIAL AS PROOF TO MY CLAIMS. I HAVE TWELVE MONTH'S LEFT OF THIS SENTENCE (RELEASE DATE JANUARY 12, 2025) AND AM LOOKING FOR A SPEEDY REMEDY FOR RELIEF, SUCH AS A DOCTRINE OF PLAIN ERROR REVIEW OR OTHER EXTRAORDINARY WRIT, ET CETERA. "CONVENTIONAL NOTIONS OF FINALITY OF LITIGATION HAVE NO PLACE WHERE LIFE, OR LIBERTY IS AT STAKE AND INFRINGEMENT OF CONSTITUTIONAL RIGHTS ALLEGED." KILLS ON TOP V. STATE, 279 MONT. 384, 400, 928 P.2d 182, 192 (1996) (QUOTING SANDERS V. U.S., 373 U.S. 1, 8, 83 S.Ct. 1068 1073, 10 L. Ed. 2d 148 (1963)).

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(A) ILLEGAL SENTENCE

FACTS

ON OCTOBER 26, 2021 I ATTENDED MY REVOCATION HEARING, PLED GUILTY TO A HANDFUL OF REVOCATIONS, WAS REVOCATED AND SENTENCED TO SERVE THE BALANCE OF MY TIME, 3½ YEARS INCARCERATED IN THE COUNTY JAIL. THE COURT ORALLY PRONOUNCED MY SENTENCE BY STATING "HE'S GETTING THE FULL 3½ YEARS" THEN IMMEDIATELY TURNED OFF THE AUDIO-VIDEO COMMUNICATION EQUIPMENT. ON OCTOBER 26, 2021, THE SAME DAY AS MY REVOCATION HEARING, THE ORAL PRONOUNCEMENT WAS REDUCED TO WRITING (SEE EXHIBIT A1). THE WRITTEN JUDGMENT CORRESPONDS WITH THE ORAL PRONOUNCEMENT. HOWEVER, ON OCTOBER 28, 2021 THE COURT FILED AN "ORDER FOR NO CONTACT WHILE IN CUSTODY AT YCDF" (SEE EXHIBIT A2). THIS "NO CONTACT ORDER" WAS NOT PRONOUNCED ORALLY AND WAS ENTERED AFTER THE FINAL JUDGEMENT WHICH MAKES MY SENTENCE ILLEGAL. THE NO CONTACT ORDER SHOULD BE VACATED.

IN STATE V. GREENE 2015 MT 1, 378 MONT. 1, 340 P.3d 551 (MONT. 2015), WE HAVE HELD THAT THE "ORAL PRONOUNCEMENT OF A CRIMINAL SENTENCE IN THE PRESENCE OF THE DEFENDANT IS THE 'LEGALLY EFFECTIVE SENTENCE AND VALID FINAL JUDGEMENT.'" STATE V. LANE, 957 P.2d 9, 1998 MT 76 (MONT. 1998)

"THE ONLY SENTENCE THAT IS LEGALLY COGNIZABLE IS THE ACTUAL ORAL PRONOUNCEMENT IN THE PRESENCE OF THE DEFENDANT." UNITED STATES V. MUNOZ-DELA ROSA, 495 F.2d 253, 256 (9TH CIR. 1974). SEE UNITED STATES V. VILLANO 816 F.2d 1448, 1451-52 & n.5 (10TH CIR. 1987) (EN BANC). IT IS THE WORDS PRONOUNCED BY THE JUDGE AT SENTENCING, NOT THE WORDS REDUCED TO WRITING IN THE JUDGEMENT / COMMITMENT ORDER THAT CONSTITUTE THE LEGAL SENTENCE.

(B) NO CREDIT FOR TIME SERVED

FACTS

ON JULY 21, 2021, I WAS SENTENCED TO THE TERMS OF THE PLEA AGREEMENT AND WRITTEN JUDGEMENT (SEE EXHIBIT B1). MY SENTENCE WAS ALL SUSPENDED EXCEPT FOR 90 DAYS OF JAIL TIME. I REPORTED TO YELLOWSTONE COUNTY DETENTION FACILITY (HEREIN "YCDF") ON AUGUST 01, 2021 AT 1600 HOURS TO SERVE MY 90 DAY MITTIMUS. ON OCTOBER 06, 2021 THE CITY OF BILLINGS (HEREIN "CITY") FILED A PETITION TO REVOKE SENTENCE. ON OCTOBER 12, 2021 I APPEARED IN BILLINGS MUNICIPAL WHERE A HEARING ON THE PETITION TO REVOKE WAS SET FOR OCTOBER 18, 2021. ON OCTOBER 18, 2021 THE HEARING WAS RESET TO OCTOBER 26, 2021. ON OCTOBER 26, 2021 MY SENTENCE WAS REVOKED AND I WAS RESENTENCED TO SERVE THE BALANCE OF MY SENTENCE INCARCERATED AT YCDF (SEE EXHIBIT A1 AND B2). HOWEVER, I DID NOT RECEIVE ANY CREDIT FOR ELAPSED TIME FROM JULY 21, 2021 THROUGH AUGUST 01, 2021 WHICH TOTALS TWELVE (12) DAYS.

MCA 46-18-203 (7)(b) STATES:

"IF A SUSPENDED OR DEFERRED SENTENCE IS REVOKED, THE JUDGE SHALL CONSIDER ANY ELAPSED TIME, CONSULT THE RECORDS AND RECOLLECTION OF THE PROBATION AND PAROLE OFFICER, AND ALLOW ALL OF THE ELAPSED TIME SERVED WITHOUT ANY RECORD OR RECOLLECTION OF VIOLATIONS AS A CREDIT AGAINST THE SENTENCE. IF THE JUDGE DETERMINES THAT ELAPSED TIME SHOULD NOT BE CREDITED, THE JUDGE SHALL STATE THE REASONS FOR THE DETERMINATION IN THE ORDER. CREDIT MUST BE ALLOWED FOR TIME SERVED IN A DETENTION CENTER OR FOR HOME ARREST TIME ALREADY SERVED."

IN THE CASE AT BAR, THERE WAS NO "RECORD OR RECOLLECTION OF THE PROBATION OFFICER" THAT I VIOLATED THE TERMS OF MY SENTENCE BETWEEN JULY 21, 2021 THROUGH AUGUST 01, 2021 NOR DID THE JUDGE STATE ANY REASONS WHY I SHOULD NOT BE CREDITED FOR ELAPSED TIME.

"CALCULATING CREDIT FOR TIME SERVED IS NOT A DISCRETIONARY ACT BUT A LEGAL MANDATE", STATE V. TIPPETS 408 MONT. 249, 509 P.3d 1 (MONT. 2022) CITING STATE V. PARKS, 2019 MT 252, 397 MONT. 408, 450 P.3d 889 (MONT. 2019).

AS STATED IN PART A OF THIS PETITION, THE SENTENCING COURT ORALLY STATED "HE'S GETTING THE FULL 3½ YEARS" WHICH IS REFLECTED IN THE JUDGEMENT (SEE EXHIBIT A1). AN ORAL PRONOUNCEMENT OF A SENTENCE IS A "LEGALLY EFFECTIVE AND VALID FINAL JUDGMENT," AND CONTROLS IN SITUATIONS IN WHICH A CONFLICT EXISTS BETWEEN THE ORAL AND WRITTEN JUDGEMENTS. STATE V. KROLL, 2004 MT 203, ¶18, 322 MONT. 294, 95 P.3d 717.

I BELIEVE THAT I SHOULD BE CREDITED FOR 12 DAYS OF ELAPSED TIME.

(C) DOUBLE JEOPARDY CLAIM

IN THE AMENDED COMPLAINT, I WAS CHARGED WITH A VIOLATION OF MCA 45-5-623(1)(C), UNLAWFUL TRANSACTIONS WITH CHILDREN (COUNT V) AND A VIOLATION OF MCA 45-5-622(2)(a)(i), ENDANGERING THE WELFARE OF CHILDREN (COUNT VI) (SEE EXHIBIT C1). BOTH OF THESE CHARGES RESULTED OUT OF THE SAME TRANSACTION.

THE FIFTH AMENDMENT OF THE UNITED STATES CONSTITUTION STATES "NOR

SHALL ANY PERSON BE SUBJECT FOR THE SAME OFFENCE BE TWICE PUT IN JEOPARDY OF LIFE AND LIMB." THE DOUBLE JEOPARDY PROHIBITION CONTAINED IN THE FIFTH AMENDMENT TO THE UNITED STATES CONSTITUTION HAS BEEN APPLIED TO STATE PROCEEDINGS SINCE 1969. <u>BENTON V. MARYLAND (1969), 395 U.S. 784, 796, 89 S. CT. 2056 2063, 23 L.Ed. 2d 707, 717</u>. ARTICLE II SECTION 25 OF THE MONTANA CONSTITUTION STATES "NO PERSON SHALL BE AGAIN PUT IN JEOPARDY FOR THE SAME OFFENSE PREVIOUSLY TRIED IN ANY JURISDICTION." BOTH THE FIFTH AMEDMENT TO THE UNITED STATES CONSTITUTION AND ARTICLE II SECTION 25 OF THE MONTANA CONSTITUTION PROVIDE FOR THREE SEPERATE PROTECTIONS: (1) PROTECTION FROM A SECOND PROSECUTION FOR THE SAME OFFENSE AFTER ACQUITTAL; (2) PROTECTION FROM A SECOND PROSECUTION FOR THE SAME OFFENSE AFTER CONVICTION; AND (3) PROTECTION FROM MULTIPLE PUNISHMENTS FOR THE SAME OFFENSE. <u>UNITED STATES V. HALPER (1989), 490 U.S. 435, 440, 109 S. CT. 1892 1897, 104, L.Ed. 2d 487, 496</u>; SEE <u>STATE V. NELSON (1996), 275 MONT. 86, 90, 910 P.2d 247, 250</u>.

IN THE CONTEXTS OF BOTH MULTIPLE PUNISHMENTS AND SUCCESSIVE PROSECUTION, THE DOUBLE JEOPARDY BAR APPLIES IF THE TWO OFFENSES FOR WHICH THE DEFENDANT IS PUNISHED OR TRIED CANNOT SURVIVE THE "SAME-ELEMENTS" OR "BLOCKBURGER" TEST, <u>UNITED STATES V. DIXON, 509 U.S. 688, 113 S.CT. 2849, 125 L.Ed 556 (1993)</u>.

THE CORRECT TEST TO DETERMINE IF THESE TWO STATUTES VIOLATE THE DOUBLE JEOPARDY CLAUSE WOULD BE THE <u>BLOCKBURGER TEST, BLOCKBURGER VS. U.S., 284 U.S., 299, 52 S.CT 180, (1932)</u>. THE BLOCKBURGER TEST STATES:

> "EACH OF THE OFFENSES CREATED [MUST] REQUIRE PROOF OF A DIFFERENT ELEMENT, THE APPLICABLE RULE IS THAT WHERE THE SAME ACT OR TRANSACTION CONSTITUTES A VIOLATION OF TWO DISTINCT STATUTORY

PROVISIONS, THE TEST TO BE APPLIED TO DETERMINE WHETHER EACH PROVISION REQUIRES PROOF OF A FACT WHICH THE OTHER DOES NOT."

IN MONTANA, THE BLOCKBURGER TEST MUST ALSO BE APPLIED "WITH REFERENCE TO THE STATUTES DEFINING EACH OFFENSE AND NOT WITH REFERENCE TO THE FACTS OF THE INDIVIDUAL CASE." STATE V. RITCHSON, 193 MONT. 112, 116, 603 P.2d 234, 237 (1981).

MCA STATUTES IN THEIR ENTIRETY:

MCA 45-5-623(1)(c) UNLAWFUL TRANSACTIONS WITH CHILDREN:

(1) EXCEPT AS PROVIDED FOR IN 16-6-305, A PERSON COMMITS THE OFFENSE OF UNLAWFUL TRANSACTIONS WITH CHILDREN IF THE PERSON KNOWINGLY:

(c) SELLS OR GIVES AN ALCOHOLIC BEVERAGE TO A PERSON UNDER 21 YEARS OF AGE.

MCA 45-5-622(2)(a)(i) ENDANGERING THE WELFARE OF CHILDREN:

(2) EXCEPT AS PROVIDED FOR IN 16-6-305, A PARENT OR GUARDIAN OR ANY PERSON WHO IS 18 YEARS OF AGE OR OLDER, WHETHER OR NOT THE PARENT, GUARDIAN, OR OTHER PERSON IS SUPERVISING THE WELFARE OF CHILDREN. IF THE PARENT, GUARDIAN, OR OTHER PERSON KNOWINGLY CONTRIBUTES TO THE DELINQUENCY OF A CHILD LESS THAN:

(a) 18 YEARS OLD BY:

(i) SUPPLYING OR ENCOURAGING THE USE OF AN INTOXICATING SUBSTANCE BY THE CHILD.

GIVEN THE INFORMATION IN THESE TWO STATUTES, I BELEIVE THEY MEET THE REQUIREMENTS AS STATED IN THE BLOCKBURGER TEST FOR MULTIPLE PUNISHMENTS

RESULTING FROM A PROSECUTION FROM THE SAME TRANSACTION, THUS VIOLATING MY RIGHT TO BE FREE FROM DOUBLE JEOPARDY. HOWEVER, IF MY CLAIMS FAILS THE BLOCKBURGER TEST, MCA 46-11-410 OFFERS FURTHER PROTECTION FROM DOUBLE JEOPARDY THAN BOTH THE STATE AND FEDERAL CONSTITUTIONS. UNDER 46-11-410(2)(a)(d) "A DEFENDANT MAY NOT, HOWEVER, BE CONVICTED OF MORE THAN ONE OFFENSE IF: (a) ONE OFFENSE IS INCLUDED IN THE OTHER; OR (d) THE OFFENSES DIFFER ONLY IN THAT ONE IS DEFINED TO PROHIBIT A SPECIFIC INSTANCE OF THE CONDUCT. IN THE CASE AT BAR, BOTH MCA 45-5-623 (1)(c) STATE: "SELLING AND GIVING" AND MCA 45-5-622(2)(a)(i) STATES "SUPPLYING", BOTH REFERRING TO AN "ALCOHOLIC BEVERAGE" OR "INTOXICATING SUBSTANCE" TO A "MINOR". TO BREAK DOWN THE WORDING INTO MEANING; "SELLING" IS "TO TRANSFER (PROPERTY) BY SALE (BLACKS LAW DICTIONARY 11TH EDITION)! "GIVING" IS "TO VOLUNTARILY TRANSFER (PROPERTY) TO ANOTHER WITHOUT COMPENSATION (BLACKS LAW DICTIONARY 11TH EDITION) AND "SUPPLYINS" IS TO "FURNISH AND PROVIDE" (MERRIAM-WEBSTER DICTIONARY). IN ORDER TO "SUPPLY", YOU HAVE TO BE "GIVING OR SELLING PROPERTY". MCA 61-8-1001(2) DEFINES AN "ALCOHOLIC BEVERAGE" AS "A COMPOUND PRODUCED FOR HUMAN CONSUMPTION AS A DRINK THAT CONTAINS 0.5 PERCENT OR MORE OF ALCOHOL BY VOLUME. MCA 45-2-101(32)(a) DEFINES AN "INTOXICATING SUBSTANCE" AS "... AND AN ALCOHOLIC BEVERAGE, INCLUDING BUT NOT LIMITED TO A BEVERAGE CONTAINING 1/2 OF ONE PERCENT OR MORE OF ALCOHOL BY VOLUME". MCA 45-5-623(1)(c) IS THE LESSER OFFENSE AND IS ALREADY INCLUDED IN THE OFFENSE OF MCA 45-5-622(2)(a)(i).

MCA 45-5-623(1)(c) IS AN INCLUDED OFFENSE OF MCA 45-5-622(2)(a)(i) THUS IS BARRED BY DOUBLE JEOPARDY AS A MULTIPLE PUNISHMENT FOR THE SAME OFFENSE.

(D) REVOCATION

(1) APPOINTMENT OF COUNSEL

WHY WAS I NOT AFFORDED A FAIR OPPORTUNITY TO SECURE COUNSEL OF MY OWN CHOICE? I WANT TO MAKE A POINT THAT I WAS UNAWARE OF A REVOCATION UNTIL OCTOBER 12, 2021 WHEN I APPEARED IN COURT VIA AUDIO/VIDEO FROM YCDF WHERE I WAS THEN SERVED WITH THE PETITION TO REVOKE WITH AFFIDAVIT OF VIOLATIONS. THIS IS THE POINT WHERE THE COURT ASSIGNED ME COUNSEL (SEE EXHIBIT D1) WITHOUT INFORMING ME THAT I COULD RETAIN COUNSEL OF MY OWN CHOICE. PURSUANT TO MCA 46-18-203 (4)(d), I HAVE "THE RIGHT TO BE REPRESENTED BY COUNSEL AT THE REVOCATION HEARING PURSUANT TO TITLE 46, CHAPTER 8, PART 1." HOWEVER, I NEVER REQUESTED TO HAVE ASSIGNED COUNSEL BECAUSE OF FINANCIAL INABILITY TO RETAIN PRIVATE COUNSEL AS STATED IN MCA 46-8-101 (1)(2), STATE V. GARCIA, 2003 MT. 211, 75 P.3d 313, 317 MONT. 73 (MONT. 2003), ¶12, THE SIXTH AMENDMENT TO THE UNITED STATES CONSTITUTION AND ARTICLE II, SECTION 24 OF THE MONTANA CONSTITUTION GUARANTEE THE FUNDAMENTAL RIGHT TO ASSISTANCE OF COUNSEL. STATE V. CRAIG (1995), 274 MONT. 140, 148, 906 P.2d AT 688. THIS RIGHT TO COUNSEL CONTEMPLATES THE RIGHT TO THE "EFFECTIVE ASSISTANCE" OF COUNSEL. CRAIG, 274 MONT. AT 148, 906 P.2d AT 688. IN TURN, THE RIGHT TO THE EFFECTIVE ASSISTANCE OF COUNCEL ENCOMPASSES THE RIGHT TO RETAIN COUNSEL OF ONES OWN CHOOSING. A DEFENDANT WHO CAN HIRE HIS OWN ATTORNEY HAS A DIFFERENT RIGHT, INDEPENDENT AND DISTINCT FROM THE RIGHT TO HIRE EFFECTIVE COUNSEL, TO BE REPRESENTED BY THE ATTORNEY OF HIS CHOICE. SEE UNITED STATES V. GONZALEZ-LOPEZ, 548 U.S. 140, 147-48, 126 S. Ct 2557, 165 L. Ed. 2d 409 (2006).

BY THE SENTENCING COURT FAILING TO INFORM ME OF MY RIGHT TO RETAIN COUNSEL OF MY CHOICE, MY STATE AND FEDERAL CONSTITUTIONAL RIGHTS WERE VIOLATED.

(2)

AFTER I WAS BROUGHT BEFORE THE COURT ON OCTOBER 12, 2021, A HEARING WAS SET FOR OCTOBER 18, 2021. ON OCTOBER 18, 2021 I APPEARED BEFORE THE COURT VIA AUDIO/VIDEO COMMUNICATION FROM YCDF. DUE TO NO COUNCEL APPEARING TO REPRESENT ME, THE HEARING WAS RESET TO OCTOBER 26, 2021. APPARENTLY THE OFFICE OF PUBLIC DEFENDER (HEREIN "OPD") ASSIGNED BRIAN HAYNES AS COUNSEL ON OCTOBER 18, 2021, BUT DID NOT FILE THE "NOTICE OF APPEARANCE AND REQUEST FOR DISCOVERY UNTIL OCTOBER 19, 2021. THE CITY OF BILLINGS (HEREIN "CITY") ASSERTS THAT BRIAN HAYNES (HEREIN "HAYNES") DOWNLOADED THE REVOCATION DISCOVERY MATERIALS ON OCTOBER 20, 2021, <u>JUST SIX DAYS (INCLUDING SATURDAY AND SUNDAY) PRIOR TO THE HEARING ON OCTOBER 26, 2021</u>. ALSO ON OCTOBER 20, 2021 THE CITY FILED AN "ENTRY OF EXHIBITS FOR REVOCATION HEARING (SEE EXHIBIT D2). HAYNES DID NOT MEET WITH ME UNTIL OCTOBER 25, 2021, <u>THE EVENING PRIOR TO THE HEARING ON OCTOBER 26, 2021</u>. DURING MY MEETING WITH HAYNES, WE ONLY DISCUSSED THE PHYSICAL EVIDENCE, WHICH WAS THE ALLEGED VIOLATIONS CONTAINED WITHIN THE AFFIDAVIT OF VIOLATIONS (SEE EXHIBIT D3). I WAS UNAWARE THAT HAYNES HAD AUDIO AND VISUAL FILES NOR DID I GET TO REVIEW THEM. THE DISTRICT COURT CONFIRMED THAT "LEHMAN DID NOT HAVE AN OPPORTUNITY TO HEAR THE YCDF AUDIO RECORDINGS HIMSELF PRIOR TO THE HEARING" (SEE EXHIBIT D4 FROM POST-CONVICTION PETITION). THE DISTRICT COURT ALSO CONFIRMED IN THE SAME POST-CONVICTION THAT "LEHMAN HAD ONLY SEEN THE PHYSICAL EVIDENCE AND NOT HAD AN OPPORTUNITY TO PERSONALLY LISTEN TO THE AUDIO TRANSCRIPTS OF HIS JAIL CALLS" (SEE EXHIBIT D5). DURING MY MEETING WITH HAYNES ON OCTOBER 25, 2021, HAYNES INFORMED ME THAT HE FILED A CONTINUANCE SO HE COULD HAVE MORE TIME TO PREPARE (SEE EXHIBIT D6). EVEN THOUGH THIS MOTION WAS OPPOSED, IT CLEARLY STATES "THE REASON FOR THIS REQUEST IS BECAUSE NEW COUNSEL HAS BEEN ASSIGNED AND THE DISCOVERY CONSISTS OF AUDIO AND VISUAL FILES THAT THE DEFENDANT AN HIS COUNSEL

NEED TO REVIEW, IT SHOULD BE NOTED THAT CURRENT COUNSEL WAS ASSIGNED TO THIS MATTER ON OCTOBER 18TH, 2021". AT THE START OF THE REVOCATION HEARING ON OCTOBER 26, 2021, "MR. HAYNES MOVED TO CONTINUE THE HEARING FOR TWO WEEKS TO ALLOW HIM MORE TIME TO FAMILIARIZE HIMSELF WITH THE MATTER". (SEE EXHIBIT D7). THE COURT PROMPTLY DENIED THE MOTION, NOTING THAT THE MATTER HAD ALREADY BEEN CONTINUED ONCE AND THAT WITNESSES HAD BEEN SUBPOENAED AND HAD APPEARED AT THE HEARING. IT IS NOT THE FAULT OF HAYNES THAT HE WAS NOT ASSIGNED TO REPRESENT ME UNTIL OCTOBER 18, 2021. THERE WERE LITERALLY TWO WITNESSES AT THE HEARING. ONE DETECTIVE WHO APPEARED PERSONALLY AND ONE PROBATION OFFICER THAT APPEARED VIA AUDIO-VIDEO COMMUNICATION. THE CITY MAY HAVE BEEN PREPARED FOR THE REVOCATION HEARING, BUT IT WAS QUITE CLEAR THAT HAYNES NEEDED MORE TIME TO PREPARE FOR THE HEARING AS HAYNES WAS NOT READY. I WAS NEVER AFFORDED THE OPPORTUNITY TO LISTEN TO AUDIO, VIEW VIDEO OR INFORMED THAT I COULD HAVE WITNESSES TO TESTIFY ON MY BEHALF PURSUANT TO MCA 46-18-203(4)(b). THE COURTS ABUSE OF DISCRETION FOR DENYING A CONTINUANCE RESULTED IN SUBSTANTIAL INJUSTICE.

IF THE OPPORTUNITY TO DEFEND IS NOT ADEQUATE, THE DEFENDANT IS DENIED DUE PROCESS OF LAW; TWINNING V. STATE OF NEW JERSEY, 211 U.S. 78. <u>COMMONWEALTH V. O'KEEFE, 298 PA. 169, 173, 148 A. 73, 74</u>: "IT IS VAIN TO GIVE THE ACCUSED A DAY IN COURT WITH NO OPPORTUNITY TO PREPARE FOR IT, OR TO GUARANTEE HIM COUNSEL WITHOUT GIVING THE LATTER ANY OPPORTUNITY TO ACQUAINT HIMSELF WITH THE FACTS OR LAW OF THE CASE."

(3) THE RIGHT TO BE HEARD

DURING MY REVOCATION HEARING ON OCTOBER 26, 2021, I WAS NOT AFFORDED ANY TIME TO BE HEARD. MY FIFTH AMENDMENT RIGHT TO REMAIN SILENT WAS NOT INVOKED AS I DID NOT CHOOSE TO REMAIN SILENT. IN (EXHIBIT D8), THE DISTRICT COURT STATED "LEHMAN ASKED IF HE COULD EXPLAIN THE SITUATION COURT." IT IS FURTHERMORE STATED THAT "THE COURT INTERRUPTED HAYNES AND DID NOT ALLOW HIM TO FINISH HIS ARGUEMENT OR MAKE A SENTENCING RECOMMENDATION OF HIS OWN. THE COURT DID NOT GIVE LEHMAN A CHANCE TO SPEAK OR TO PERSONALLY ADDRESS THE COURT."

UNDER BOTH THE FOURTEENTH AMENDMENT OF THE UNITED STATES CONSTITUTION AND ARTICLE II SECTION 17 OF THE MONTANA CONSTITUTION IS THE DUE PROCESS CLAUSE WHICH PROTECTS MY RIGHT TO BE HEARD. IN FACT, THE RIGHT TO BE HEARD IS SO FUNDAMENTALLY IMPORTANT THAT IT IS EMBEDDED IN THE MONTANA CODE OF JUDICIAL CONDUCT AS CANON 2, RULE 2.6: ENSURING THE RIGHT TO BE HEARD, WHICH CLEARLY STATES: (A) A JUDGE SHALL ACCORD TO EVERY PERSON WHO HAS A LEGAL INTEREST IN A PROCEEDING, OR THAT PERSON'S LAWYER, THE RIGHT TO BE HEARD.

NOT ONLY WAS MY RIGHT TO BE HEARD VIOLATED, THE JUDGE BROKE A CODE OF JUDICIAL CONDUCT. IN COOKE V. UNITED STATES, 267 U.S. 517, 45 S. CT. 390, 69 L.ED 767 (1925) THE COURT HELD THAT DENIAL OF THE RIGHT TO BE HEARD BY COUNSEL WAS A "DENIAL OF A HEARING, AND, THEREFORE, OF DUE PROCESS IN THE CONSTITUTIONAL SENSE." STATE V. EDMUNDSON, 373 MONT. 338, 317 P.3d 169 (MONT. 2014) AN OFFENDER IS ENTITLED TO THE PROTECTIONS OF DUE PROCESS, INCLUDING WRITTEN NOTICE OF THE ALLEGED VIOLATIONS, DISCLOSURE OF THE EVIDENCE AGAINST HIM OR HER, THE OPPORTUNITY TO BE HEARD AND TO PRESENT EVIDENCE, THE RIGHT TO CONFRONT WITNESSES, THE RIGHT TO A NEUTRAL ARBITER, AND THE RIGHT TO RECEIVE A WRITTEN STATEMENT OF THE EVIDENCE RELIED

UPON AND THE REASON FOR THE REVOCATION, CITING GAGNON V. SCARPELLI, 411 U.S. 778, 786, 93 S. Ct. 1756, 1761-62, 36 L. Ed 2d 656 (1973). "THE CONVICTION OF OUR TIME IS THAT THE TRUTH IS MORE LIKELY TO BE ARRIVED AT BY HEARING THE TESTIMONEY OF ALL PERSONS OF COMPETENT UNDERSTANDING WHO MAY SEEM TO HAVE KNOWLEDGE OF THE FACTS INVOLVED IN A CASE, LEAVING CREDIT AND WEIGHT OF SUCH TESTIMONY TO BE DETERMINED BY THE JURY OR BY THE COURT, QUOTING ROSEN V. UNITED STATES, 245 U.S. 467, 471, 38 S. Ct. 148, 150, 62 L. Ed 406 (1918). MY REVOCATION WAS PREJUDICED FROM THE START, WHICH CAN BE EVIDENCED BY REVIEWING THE AFFIDAVIT OF VIOLATIONS (EXHIBIT D3). ALTHOUGH THERE ARE MANY ALLEGATIONS, "ALLEGATIONS DO NOT CONSTITUTE EVIDENCE", GRIFFIN V. STATE, 2003 MT 267, 11. 77 P.3d 545: HOW COULD MY REVOCATION HEARING HAVE BEEN FAIR, BASED ON THE ALLEGATIONS CONTAINED IN THE AFFIDAVIT, WITHOUT MY COUNCEL BEING FULLY PREPARED FOR THE REVOCATION, MY RIGHT TO BE HEARD VIOLATED, MY RIGHT TO INTRODUCE WITNESSES ON MY BEHALF VIOLATED AND THE PREJUDICE THAT WAS INTRODUCED BY THE CITY VIA THE AFFIDAVIT OF VIOLATIONS? "A PROBATION REVOCATION HEARING MUST BE FUNDAMENTALLY FAIR", MEIDINGER, 168 MONT. AT 15, 539 P. 2d AT 1190. ONE OF THE CONDITIONS OF MY ORIGINAL SENTENCE WAS NO CONTACT WITH MINORS UNDER 18. THE ALLEGATIONS WERE, AMONG MANY, THAT I HAD PHONE CONTACT, MULTIPLE TIMES, WITH MINOR FEMALE "D", FROM YCOF. HOWEVER AS EVIDENCED BY THE AFFIDAVIT OF VIOLATIONS THAT WAS SUBMITTED BY THE CITY, THE CITY INCLUDED EXCERPTS OF THE PHONE CONVERSATIONS, NOT EVEN KNOWING THE EVENTS OR CIRCUMSTANCES BEHIND THE CONVERSATION, NOT TO MENTION LEAVING OUT PARTS OF THE CONVERSATION. THE CITY WENT WAY INTO LEFT FIELD TO INSURE THEY INCLUDED DETAILS TO MAKE SURE THE COURT RULED IN THEIR FAVOR. THE COURT WAS PREJUDICED BY THE CONTENTS CONTAINED IN THE AFFIDAVIT ITSELF, NOT OF THE ACTUAL VIOLATION. I WILL ALSO STATE THAT DURING THE REVOCATION HEARING THE CITY DISPLAYED THREE OR FOUR

VIDEOS AND/OR PICTURES TO THE COURT (VIDEOS AND/OR PICTURES THAT I DID NOT GET TO VIEW BEFORE THE HEARING, SEE EXHIBIT D5 AND D6), THAT HAD NOTHING TO DO WITH THE ALLEGED VIOLATIONS OF THE REVOCATION, BUT WAS EVIDENCE FROM THE INITIAL CHARGES. FURTHERMORE, THE CITY ALSO STATED FURTHER FALLACIOUS MATERIAL, THAT, ONCE AGAIN, HAD NOTHING TO DO WITH THE ALLEGED VIOLATIONS, WHICH PREJUDICED ME EVEN MORE. THERE WAS SO MUCH INFORMATION THAT WAS MISLEADING, INCORRECT OR MISUNDERSTOOD, AND WITH HAYNES NOT BEING FULLY FAMILIARIZED AND PREPARED FOR THE HEARING AND MY RIGHT TO BE HEARD VIOLATED ALONG WITH HAYNES BEING UNABLE TO EVEN FINISH HIS ARGUMENT, I DID NOT HAVE A CHANCE. THE COURT MIGHT AS WELL JUST HAVE REVOKED ME WITHOUT A HEARING BECAUSE THAT IS BASICALLY WHAT HAPPENED. STATE V. KNAPP, 570 P.2d 1138, 174 MONT. 373 (MONT. 1977). THE "RIGOROUS STANDARDS" OF ACCURACY REQUIRED IN AN ORIGINAL SENTENCING PROCEEDING" ARE EQUALLY AS IMPORTMENT WHEN THE TRIAL COURT IS PASSING UPON THE STATES MOTION TO REVOKE A DEFFERED OR SUSPENDED SENTENCE, STATE V. KNAPP, 570 P.2d, INCORRECT OR MISUNDERSTOOD INFORMATION REGARDING A DEFENDANT MAY BE GROUNDS FOR VACATING A SENTENCE IMPOSED UPON HIM ON THE BASIS OF THAT INFORMATION, TOWNSEND V. BURKE, 334 U.S. 736, 68 S.CT. 1252, 92 L.Ed 1690, 1693 (1948); UNITED STATES EX REL. JACKSON V. MYERS, 374 F.2d 707 (3RD CIR. 1971); UNITED STATES V. WESTON, 448 F.2d 626 (9TH CIR. 1971); UNITED STATES V. ESPINOZA, 481 F.2d 553 (5TH CIR. 1973); STATE V. GOWIN, 97 IDAHO 146, 540 P.2d 808 (1975)

(4) THE RIGHT TO OBJECT TO AUDIO/VIDEO COMMUNICATION

THERE ARE NUMEROUS STATUTES IN MCA TITLE 46 (MCA 46-12-211(5), MCA 46-16-105(3), MCA 46-18-102(1) AND MCA 46-18-115(3)) THAT REFERENCE MCA 46-12-201, ESSENTIALLY AS THE CONTROLLING STATUTE FOR GOVERNING THE OPERATION AND USE OF TWO-WAY ELECTRONIC AUDIO-VIDEO COMMUNICATION, MCA 46-12-201(4) SPECIFICALLY STATES "... AUDIO-VIDEO COMMUNICATION MAY BE USED IF NEITHER PARTY OBJECTS AND THE COURT AGREES TO ITS USE AND HAS INFORMED THE DEFENDANT THAT THE DEFENDANT HAS THE RIGHT TO OBJECT TO ITS USE." I WAS NEVER INFORMED BY THE COURT THAT I COULD OBJECT TO THE USE OF AUDIO-VIDEO COMMUNICATION (SEE EXHIBIT D9).

(5) PRONOUNCING OF SENTENCE

MCA 46-18-102(3)(b) STATES THAT "WHEN THE SENTENCE IS PRONOUNCED, THE JUDGE SHALL CLEARLY STATE FOR THE RECORD THE REASONS FOR IMPOSING THE SENTENCE." THE COURT [redacted] RECORD AND THE JUDGEMENT (SEE EXHIBIT A1) CLEARLY DEMONSTRATE THE COURTS FAILURE TO STATE FOR THE RECORDS THE REASON FOR IMPOSING THE SENTENCE. IN FACT, THE ONLY THING SAID BY THE JUDGE AT SENTENCING WAS "HE'S GETTING THE FULL 3½ YEAR SENTENCE" THEN IMMEDIATELY TURNED OFF THE AUDIO-VIDEO COMMUNICATION.

IN STATE V. STUMPF, 187 MONT. 225, 609 P.2d 298, 37 St. Rep. 673 (MONT. 1980), IT WAS FOUND "THAT THE FAILURE OF THE TRIAL COURT TO SPECIFY THE REASONS WHY THE DEFENDANT WAS SENTENCED TO 3 YEARS IN PRISON, IS AN ABUSE OF DISCRETION." IN MY CASE I WAS REVOCATED WHEREAS STUMPF'S CASE WAS HELD BY TRIAL, BUT BOTH CASES SHOULD BE SENTENCED PURSUANT TO MCA 46-18-102(3)(b). IN STATE V. ANDERSON, 2002 MT 92, 20, 309 MONT. 352, 46 P.3d 625, IT WAS CONCLUDED THE DISTRICT COURTS SOLE REASON FOR IMPOSING THE SENTENCE - THAT

THE STATE RECOMMENED IT - WAS INSUFFICIENT BECAUSE IT FAILED TO INFORM ANDERSON OF THE REASONS UNDERLYING THE SENTENCE AND DID NOT PROVIDE GUIDANCE FOR REVIEW. IN MY CASE, SIMILAR TO ANDERSONS, THE CITY RECOMMENDED THAT I SERVE THE BALANCE OF MY TIME INCARCERATED AND THE JUDGE AGREED WITH THE CITY'S RECOMMENDATION. THIS IS NOT A REASON FOR IMPOSING THAT PARTICULAR SENTENCE. THE ONLY DIFFERENCE BETWEEN THE TWO IS THAT IN ANDERSONS CASE, ALTHOUGH INSUFFICIENT, THE JUDGE VERBALLY PRONOUNCED THE REASON, WHEREAS IN MY CASE, THE JUDGED DID NOT PRONOUNCE THE REASON FOR MY PARTICULAR SENTENCE.

(6) MENTAL HEALTH / PUBLIC SAFETY

ON DECEMBER 11, 2020, I WAS DIAGNOSED WITH A MAJOR DEPRESSIVE DISORDER BY DR. BRAD FULLER, MD. DURING MY ARRAIGNMENT ON FEBRUARY 09, 2021 FOR COUNT I: UNLAWFUL TRANSACTIONS WITH CHILDREN AND COUNT II: EDANGERING WELFARE OF CHILDREN, MY COUNCEL INFORMED THE COURT, ON RECORD, OF MY RECENT DIAGNOSIS OF DEPRESSION. WHY WAS IT NEVER ORDERED BY THE COURT, PURSUANT TO TITLE 46, CHAPTER 1 AND 2, THAT I OBTAIN AN EXAMINATION AS TO MY MENTAL COMPETENCY? ON FEBRUARY 24, 2021, I HAD A CHEMICAL DEPENDANCY EVALUATION (HEREIN "CDE") WITH RIMROCK FOUNDATION. IT WAS RECOMMENDED THAT I ENTER RIMROCK'S LEVEL 0.5 MOTIVATION ENHANCEMENT TREATMENT (MET) AND A [REDACTED] REFERREL TO MENTAL HEALTH COUNSELING. ON MARCH 23, 2021, I HAD A MENTAL HEALTH ASSESSMENT AT RIMROCK FOUNDATION AND WAS RECOMMENDED THAT I ATTEND WEEKLY SESSIONS WITH AN ADDICTION/MENTAL HEALTH COUNSELOR. I WAS ADMITTED TO RIMROCKS LEVEL 0.5 MET ON MARCH 24, 2021 AND SUCCESSFULLY DISCHARGED ON APRIL 21, 2021. ON OR AROUND

MARCH 24, 2021, I STARTED WEEKLY COUNSELING SESSIONS AT RIMROCK FOUNDATION WITH DAVE KOBALD. I ATTENDED WEEKLY COUNSELING SESSIONS UNTIL JULY 27, 2021, WHICH WAS DAYS BEFORE I WAS TO REPORT TO YCDF ON AUGUST 01, 2021 TO SERVE MY 90 DAY JAIL SENTENCE. OUR PLAN WAS TO CONTINUE MY COUNSELING SESSIONS AFTER I WAS RELEASED FROM JAIL. HOWEVER, SINCE I WAS REVOCATED AND SENTENCED TO SERVE THE BALANCE OF TIME INCARCERATED AT YCDF (THE COUNTY JAIL), I HAVE HAD NO WEEKLY COUNSELING SESSIONS. YCDF HAS NO REFORMATIVE OR REHABILITATIVE PROGRAMS AVAILABLE. SO HOW DOES INCARCERATING ME FOR 3½ YEARS, AT A FACILITY NOT DESIGNED TO HOUSE "LONG TERM INMATES" AND OFFERS NO REFORMATIVE OR REHABILITATIVE PROGRAMS IN THE INTEREST OF PUBLIC SAFETY? HOW AM I SUPPOSED TO REFORM OR BREAK MYSELF OF CRIMINAL TENDENCIES BY BEING INCARCERATED AND ESSENTIALLY FORCED TO ASSOCIATE EXCLUSIVELY WITH OTHER CRIMINALS? DOES MY SENTENCE ALIGN WITH RESTORATIVE JUSTICE PRINCIPLES OR THE CORRECTIONAL AND SENTENCING POLICIES AS STATED IN MCA 46-18-101 (2)(B)(3)(C)(i)? I HAVE NEVER BEEN CONVICTED OF A CRIME OF VIOLENCE AS DEFINED IN MCA 46-18-204 NOR DO I HAVE AN EXTENSIVE CRIMINAL HISTORY.

FURTHERMORE, CITY OF BILLINGS DEPUTY CITY ATTORNEY CHANTEL ANDERSON WENT TO THE EXTENT TO REQUEST THAT I GET A PSYCHOSEXUAL EVALUATION WHICH PRESUMPTUOUSLY TURNED MY CASE FROM "DRINKING AND PROVIDING ALCOHOL WITH MINORS" TO THAT OF A "SEXUAL PREDATOR". I HAVE NEVER BEEN ACCUSED OF, CHARGED WITH OR CONVICTED OF ANY KIND OF SEXUAL MISCONDUCT OR DEVIANCY. I WAS DISCRIMINATED AGAINST BECAUSE OF MY AGE AND THE FACT THAT I AM MALE AND THE "VICTIMS" WERE MINOR FEMALES. I AM BEING PERSECUTED FOR WHAT THE PROSECUTOR BELIEVES, BUT YET CAN OFFER NO PROOF OF ANY KIND OF SEXUAL DEVIANCY. ASSUMPTIONS DO NOT CONSTITUTE DIFFERENTIAL TREATMENT BECAUSE

OF POSSIBLE EQUIVOCAL BEHAVIOR. ON MARCH 31, 2021 I HAD A PSYCHOSEXUAL EVALUATION BY MICHAEL SULLIVAN, LCSW. THE ONLY INFORMATION THAT WAS PROVIDED TO THE EVALUATOR WAS THE INFORMATION FROM THE ORIGINAL CHARGING DOCUMENTS (SEE EXHIBIT D10). THEN ON APRIL 05, 2021, I WAS ARRAIGNED ON SIX ADDITIONAL MISDEMEANOR CHARGES (SEE EXHIBIT D11). ON APRIL 07, 2021 MY RETAINED COUNCEL FILED A "MOTION FOR EARLY REFERRAL TO MICHAEL SULLIVAN, LCSW, FOR PSYCHOSEXUAL EVALUATION (SEE EXHIBIT D12). ON APRIL 12, 2021 THE COURT DENIED THE MOTION (SEE EXHIBIT D13) WITHOUT ANY REASONING BEHIND THE DENIAL. BASICALLY THE EVALUATION IS INCOMPLETE AND WITHOUT ANY FURTHER INFORMATION, REMAINS INCOMPLETE. ON OCTOBER 11, 2021, THE COURT ORDERED THE "CITY TO RELEASE CONFIDENTIAL CRIMINAL JUSTICE INFORMATION TO PSYCHOSEXUAL EVALUATOR FOR UPDATED PSYCHOSEXUAL EVALUATION" (SEE EXHIBIT D14). THE CITY IS IN CONTEMPT FOR VIOLATING AN ORDER FROM THE COURT. ON OCTOBER 26, 2021 I WAS REVOCATED AND SENTENCED TO SERVE THE BALANCE OF MY SENTENCE INCARCERATED AT YCDF FOR 3½ YEARS (MY RELEASE DATE IS JANUARY 12, 2025). RESTRAINT WITHOUT REFORMATION IS NOT ENSURING PUBLIC SAFETY. IF RESTRAINT IS NOT COUPLED WITH ANY MEANINGFUL REHABILITIVE PROGRAM, IMPRISONMENT WILL NOT RESTRAIN CRIMINAL CONDUCT, BUT WILL MERELY POSTPONE THE CRIMINAL CONDUCT. IF YOU INCARCERATE AN ALCOHOLIC WITHOUT TREATMENT, WHEN THAT ALCOHOLIC IS RELEASED, HE OR SHE WILL JUST PICKUP WHERE THEY LEFT OFF BEFORE INCARCERATION. RESTRAINT JUST POSTPONED HIS OR HER ACTIONS. IN MY CASE, I HAVE MENTAL ISSUES THAT I WAS TRYING TO ADDRESS, BUT HAVE RECEIVED NO TREATMENT SINCE I WAS INCARCERATED DUE TO NO REFORMATIVE PROGRAMS. IS THAT PUBLIC SAFETY? FURTHERMORE, IF THE PROSECUTORS AND JUDGE REALLY HAD PUBLIC SAFETY IN MIND, WHY

WOULD INCARCERATION WITH NO REFORMATION BE AN OPTION? WHEN I AM RELEASED, WHAT IF I DO, HYPOTHETICALLY SPEAKING, HAVE SEXUAL RELATIONS WITH A MINOR? THAT SEEMS TO BE THE REASON OF MY SENTENCE. IF I HAVE UNDERLYING ISSUE'S THAT HAVE GONE UNDIAGNOSED DO TO AN INCOMPLETE PSYCHOSEXUAL EVALUATION AND NO COUNSELING TO SUPPORT MY REFORMATION OR REHABILITATION AND SOMETHING BAD WERE TO HAPPEN, THAT IS ON THE SENTENCING COURT AND A FAILURE OF THAT COURTS JUDICIAL RESPONSIBILITY TO ENSURE PUBLIC SAFETY. THIS IS A GAME OF RUSSIAN ROULETTE AND IS NOT PUBLIC SAFETY. THE SOCIETAL VALUE OF EFFECTIVE REFORMATION OR REHABILITATION IS IMPERATIVE TO PUBLIC SAFETY.

(E) NEW EVIDENCE

AFTER DOING SOME INVESTIGATIVE WORK ON MY OWN, I FOUND THAT THE VICTIM, K.R, IN COUNT IV (SEE EXHIBIT D11) WAS NEVER QUESTIONED OR GAVE ANY WRITTEN OR AUDIO RECORDED STATEMENT. INSTEAD, THE CITY RELIED UPON THE STATEMENT OF P.S., THE OTHER VICTIM. K.R. HAD MOVED TO PHOENIX, ARIZONA, TO LIVE WITH HER FATHER IN JANUARY OF 2020. K.R. WAS NOT IN BILLINGS, MT DURING THE TIME FRAME LISTED ON THE COMPLAINT, WHICH WAS LISTED AS "ON OR ABOUT FEBRUARY 09, 2020, THROUGH APRIL 06, 2020. SCHOOL RECORDS FROM K.R.'S HIGH SCHOOL IN ARIZONA WOULD SHOW K.R. BEING IN SCHOOL DURING THIS TIME PERIOD. THE FACT THAT K.R. WAS NOT QUESTIONED ABOUT THE ALLEGED OFFENSES OR K.R'S WHERE ABOUTS DURING THE ALLEGED TIME FRAME LEAVE ME WONDERING HOW COUNT IV CAN BE A VALID CHARGE. I ALSO WANT TO POINT OUT THAT AFTER RECENTLY OBTAINING THE POLICE REPORT CONNECTED TO THIS CASE, (SEE EXHIBIT E1), THE LOCATION

OF THE VIOLATION OCCURRED AT 2019 LABREA STREET, NOT AT 49 KING ARTHUR DRIVE LIKE THE CHARGING DOCUMENTS CLAIM. DEPUTY CITY ATTORNEY CHANTEL ANDERSON DECLARED UNDER PENALTY OF PERJURY THAT ALL THE INFORMATION IN THE COMPLAINT WERE TRUE AND ACCURATE. THAT IS NOT THE CASE.

(F) MUNICIPAL COURT JUDGE WILL NOT RESPOND TO PLEADINGS

I RECEIVED A LETTER FROM THE MUNICIPAL COURT JUDGE SHEILA KOLAR (SEE EXHIBIT F1) ON JULY 14, 2022. IN THE CLOSING OF THE LETTER JUDGE KOLAR STATED "PLEASE NOTE THAT THIS COURT WILL NO LONGER RESPOND TO PLEADINGS OR CORRESPONDENCE FROM YOU." THIS WAS MAILED TO ME AFTER THE COURT DENIED MY MOTION TO AMEND NO CONTACT ORDER". THIS WAS CLEARLY ABUSE OF DISCRETION, THE COURT DENIES BOTH MY MOTION AND PETITION TO SET HEARING TO AMEND NO CONTACT ORDER, WHICH IS EFFECTING MY RELATIONSHIP WITH MY CHILDREN AND VIOLATING MY RIGHT TO BE HEARD. THIS PERTAINS TO THE NO CONTACT ORDER IN PART A OF THIS PETITION, WHICH I BELIEVE TO BE ILLEGAL.

I PRAY THIS COURT WILL THOROUGHLY REVIEW MY CLAIMS AND PROVIDE ME WITH THE RELIEF THAT I BELIEVE THAT I AM ENTITLED TO.

DONE AND DATED ON THIS DAY OF

RESPECTFULLY SUBMITTED,

Gregory Dean Lehman

GREGORY DEAN LEHMAN

Form 10(4)

CERTIFICATE OF SERVICE

I certify that I filed this

☒ Petition

☐ Motion

☐ Other ______________________________
[Name of document]

with the Clerk of the Montana Supreme Court and that I have mailed or hand delivered a copy to each attorney of record and any other party not represented by counsel as follows:

ATTORNEY GENERAL
[Name of opposing counsel]
OFFICE OF THE ATTORNEY GENERAL

P.O. BOX 201401, HELENA, MT 59620-1401
[Address]

Counsel for STATE OF MONTANA

GREGORY DEAN LEHMAN
[Other party representing himself or herself]

____

3165 KING AVE. E, BILLINGS, MT 59101
[Address]

DATED this 15th day of FEBRUARY, 2024.

Gregory Dean Lehman
[Signature]

GREGORY DEAN LEHMAN
[Print name]

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Form 10(4)

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with the Clerk of the Montana Supreme Court and that I have mailed or hand delivered a copy to each attorney of record and any other party not represented by counsel as follows:

CHANTEL ANDERSON
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Counsel for STATE OF MONTANA

GREGORY DEAN LEHMAN
[Other party representing himself or herself]

3165 KING AVE. E., BILLINGS, MT 59101
[Address]

DATED this 15TH day of FEBRUARY, 2024.

Gregory Dean Lehman
[Signature]

GREGORY DEAN LEHMAN
[Print name]

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