

FILED

03/27/2024

Bowen Greenwood
CLERK OF THE SUPREME COURT
STATE OF MONTANA

Case Number: OP 24-0193

FILED

MAR 27 2024

Bowen Greenwood
Clerk of Supreme Court
State of Montana

Timothy ERIC Ritesman

Inmate Name

3017955

Inmate ID or AO#

Butte Silverbow County Detention Facility LED

Facility of Incarceration

155 West Quartz St.

Address of Facility

Butte, MONTANA 59701

City

State

Zip

IN THE SUPREME COURT OF THE STATE OF MONTANA

No. OP 24-0193
[The Clerk of Court will assign a number]

Timothy ERIC Ritesman
NAME

PETITIONER,

v.

Petition for Writ of
Habeas Corpus

MARK Johnson
NAME OF WARDEN/FACILITY ADMINISTRATOR,

RESPONDENT.

I, Timothy ERIC Ritesman, am representing myself, and I
[Name of Inmate]

believe that I am entitled to a Writ of Habeas Corpus under § 46-22-101, MCA, for one
or more of the following reasons:

[Check the applicable box]:

☐ The Department of Corrections has incorrectly calculated my sentence which
illegally extends my parole eligibility or discharge date.

☒ The Parole Board should have granted me a parole AND the Board violated my
Due Process rights in denying me a parole.

☐ I am entitled to more credit for jail time served than I received.

☒ My sentence is illegal because: failed to prove beyond

☐ I was sentenced after April 28, 1999, and I received a sentence of more than 5 years to the Department of Corrections, none of which was suspended.

☐ My sentence violates my right to be free from double jeopardy.

☐ The length of my sentence is longer than the law allows.

☒ I am entitled to good time that is not credited against my sentence.

☒ I am being held in jail and I believe my bail is excessive. ^{\$ 25,000} I'm home less income

☒ Other reason incarceration is illegal.

Describe in detail why you are entitled to habeas corpus relief. Be specific. If possible, provide citations to legal authority. Attach any documents that help you explain why the Court should grant your petition. A copy of any judgments, orders or other documents that support your argument must be provided.

(PCR)

HON ED McLean was biased during PCR hearing

Stating in Record ID to pay a victory fee x3 times throughout proceeding well before it was over before it was finalized

② PCR Attorney failed to bring forward and subpoenaed approx 5 available willing witnesses for PCR hearing

AS HE PROMISED WOULD BE THEY

③ All ATTORNEYS of DDP OFFICE AND DA JENNIFER CLARK LIED about having possession of Recorded Interviews of witnesses which was withheld from me for over 7 years. After (a) Recorded Evidence Hearing (b) Multiple discovery requests by attorneys myself violating recognized Constitutional Rights of MT. and U.S. CONST. And Rules of Discovery and my own POLICE Right.

④ Said EVIDENCE GIVEN TO FBI LAW ENFORCEMENT. YES. ATTORNEY FOR A CASE INVOLVING SAME ALLEGED VICTIM

ANY AND ALL WOULD MURDER - BEFORE I EVER GOT TO SEE IT Breaking Attorney Client TRUST AND SUPERVISION OF EVID. A Right to know Interviews and Accounts could have changed THE OUTCOME OF THE TRIAL IF SEEN BY THE JURY & HEARD

After Multiple Requests For Missing Interview

Parole Board Flopped ME MULTIPLE TIMES For
Failure to do recommended Treatments Even Though

I had less than 30 day to graduate ^{From} and kept being
Moved to prison that did NOT have them ANY MORE.

My Bail is Excessive \$25,000.⁰⁰ when I'm

Indigent Homeless And Poor.

I've Suffered Cruel And Unusual Punishment's
living in Vermin, Hunger And Mental Abuse by
Prison(s) Staff Members in Shelby Warder Blood worth
CAUSING physical violence on my person - unprovoked
And MSP Staff Members Filing False writeups.

And Now Silver Bow County with sparse food, overcrowding
and people forced to lie in their own feces and
Blood with NO toilet or showers for 4 days
Straight NO shower NO clothing change for 4 days.

Screaming for help for days causing me mental distress.
Defining cruel and unusual punishment in any civilized
community "And normal citizen would or should recognize this fact of reality".

Released from prison to a Home Ministries Treatment

Center which is qualified - Fast road people like there
NO treatment took place abandoned AT with homeless 54 hrs.

[Use extra pages if necessary] with NO money, NO food, NO resources p. 3 of 5

NO HOPE with disabilities and extreme PTSD, NO vehicle.

As relief, I request the following:

- ☒ my immediate release from prison, or confinement.
- ☒ reduction of my sentence or that this Court remand this cause to the district court directing the court to resentence me to a lesser sentence.
- ☐ that the Department of Corrections recalculate my sentence as this Court directs.
- ☒ Other relief. Explain:

Compensation for Over 8 years of Incarceration.

① By Violations of Due Process, TAC,

A Evidentiary Hearing of Post Conviction

And Averred Post Conviction Hearing & Evidence, and Transcripts
of Based Judge Under Rules of Criminal & Equal Protection Rights

VERIFICATION

STATE OF MONTANA)

County of Silverbow)

: ss.

I believe I am being incarcerated illegally. I certify that the contents of this petition are true and accurate to the best of my knowledge.

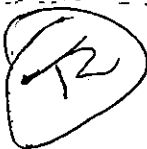
DATED this 19 day of MARCH, 2024

Timothy Eric Riterman
Inmate Signature

Timothy Eric Riterman
Printed Name

CERTIFICATE OF MAILING (SERVICE)

I hereby certify that on MARCH 23, 2024, I have mailed the Petition for a Writ of Habeas Corpus, as noted by a check mark (✓), to the following attorney by placing a copy in the United States Mail, postage prepaid:

 ~~State of Montana~~

(see INSTRUCTIONS #9)

~~Office of the Attorney General~~

~~P. O. Box 201401~~

~~Helena, MT 59620-1401~~

or

☒ ELLEN DONOHUE

County Attorney (see INSTRUCTIONS #9)

[Write name of County]

Silverbow County Attorneys Office

c/o Silverbow County COURT HOUSE

155 W. Granite St

Butte, MT.

59701

[Signature]

[Print name]

Head Note: Silverbow DETENTION Center HAS REFUSED TO MAKE indigent legal
COPIES FOR Filing HABEAS CORPUS APP. I AM IN FACT INDIGENT.

IAC TITLE 46 MCA 46-11-601 PART 6 (3) (a)(2), (3)

ENSURING Availability OF MATERIAL WITNESS, PRESERVING
TESTIMONY. DEPOSITION MUST BE TAKEN IN FRONT OF THE IN THE
PRESENCE OF THE PROSECUTOR OR THE DEFENDANT AND THE DEFENDANTS
COUNSEL UNLESS EITHER THE PROSECUTOR OR THE DEFENDANTS COUNSEL
FAIL TO ATTEND AFTER REASONABLE NOTICE OF THE TIME AND PLACE SET FOR
TAKING THE DEPOSITION. MCA 46-15-202 PROCEDURE FOR TAKING DEPOSITIONS
1,2,3 (1, AB) 3. WHEN TAKING A DEPOSITION (5)

UNLESS

A DEFENDANT HAS WAIVED HIS RIGHTS IN WRITING, THE RIGHT TO
BE PRESENT OF A WITNESS BEING DEPOSED.

NEVER AT ANY TIME HAD I OR EVER WOULD WAIVE MY RIGHTS. MY COUNSEL
WHEN TAKING INTERVIEWS OR MY WITNESSES (FOR 430 TAMA ALLEGEDLY) I STRESSED TO HIM
YOU MUST GET AFFIDAVITS AND NOTARIZED ALONG WITH DEPOSITIONS. I WANTED TO BE
PRESENT AND WAS TOLD A JUDGE WOULDN'T AGREE TO THIS. THIS VIOLATES MY
EQUAL PROTECTION OF THE LAW AS WELL AS MY DUE PROCESS RIGHTS UNDER
MCA LAWS. THIS IS IAC.

THE OBLIGATION TO DISCLOSE EXCULPATORY EVIDENCE, MATERIAL EVIDENCE THROUGH MOTIONS &
REQUEST, NOT TO EXCLUDE WITNESSES IS WELL DEFINED UNDER MCA 46-15-324,
46-15-325 DEFINES THE FAILURE TO DISCLOSE AS WELL AS 46-15-327,
DEFINES THERE'S A CONTINUED DUTY TO DISCLOSE, AS WELL AS SANCTIONS FOR SAID
EVER MENTIONED FAILURE OF COUNSEL, WITNESSES ETC. FOR NOT GIVING FULL DISCLOSURE
AT ANY TIME.

MY RECORDS WILL PARTLY SHOW THE MULTIPLE REQUEST MADE.
THE COURTS MADE EVEN REQUESTS FOR "HIS MISSING RECORDS", BY FAILING
TO PROVIDE RECORDS WHICH WERE AVAILABLE. BY DEFINITION MCA 46-15-329 (3)
THOSE PARTIES SHOULD HAVE BEEN HELD IN CONTEMPT. A FORMAL INQUIRY
ABOUT MY COMPLAINTS ABOUT THE CONTEMPT OF RECORDS TO THE DIST
COURT DESERVED RELIEF. SEE STATE VS SHAWNGUT 2015 MT, 133,379
MT. DIST [CARTS] 182,343 F.3d 664-

DEMAND Remedies AND JUSTICE FOR 8 YEARS + ON A FALSE CONVICTION
A HEARING SET AND COMPENSATIONS OF PUNITIVE Monetary Awards
FOR 8 YEARS OF INCARCERATION, MENTAL DURESS, LOSS OF PROPERTY AND RECORDS OF
CONVICTIONS & CRIMES REMOVED.
THANK YOU: Tim Keln