

FILED

04/08/2024

Bowen Greenwood
CLERK OF THE SUPREME COURT
STATE OF MONTANA

Case Number: OP 24-0227

DOUGLAS P. PASQUINZO

Inmate Name

3019422

Inmate ID or AO#

MONTANA STATE PRISON

Facility of Incarceration

700 CONLEY LAKE RD.

Address of Facility

DEERLOUGE, MT

City

State

59722

Zip

FILED

APR - 8 2024

Bowen Greenwood
Clerk of Supreme Court
State of Montana

IN THE SUPREME COURT OF THE STATE OF MONTANA

No. _____
[The Clerk of Court will assign a number]

Douglas P. Pasquino
NAME
PETITIONER, *PRO SE*

v.

Petition for a Writ
of
Habeas Corpus

WARDEN JAMES SALMONSON
NAME OF WARDEN/FACILITY ADMINISTRATOR,

RESPONDENT.

I, Douglas P. Pasquino, 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:

☐ 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.

☒ 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.

Petitioner Douglas P. Pasquinzo cause DC-2005-42
is void for the District Court Lacked "Jurisdiction [see]
[Supplement Brief] Petitioner asks this court to restore
Petitioner's Life, Liberty, and property for violations
of Mont. Const. Sect. 17 "Due process" clause and for
his Right under the 14th Amendment of U.S. Constitution
Petitioner's only putting forth to this Court one
question. The question of "Jurisdiction" Does
this Court and or the District Court have any...

As relief, I request the following:

- ☒ my immediate release from prison.
- ☐ 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:

"Announcing facts and dismissal of case"
[see U.S. v. Cotten, 535 U.S. 625, 630 S.Ct.
(2002) [see] Mont. Rule 59.

VERIFICATION

STATE OF MONTANA)

County of Powell County)

: 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 4 day of April, 2024.

Douglas P. Pasquino
Inmate Signature

DOUGLAS P. PASQUINO
Printed Name

CERTIFICATE OF MAILING (SERVICE)

I hereby certify that on April 4, 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

☐ _____ County Attorney (see INSTRUCTIONS #9)
[Write name of County]

Douglas P. Pasquino
[Signature]

DOUGLAS P. PASQUINO
[Print name]