

 ORIGINAL

FILED

04/09/2024

Bowen Greenwood  
CLERK OF THE SUPREME COURT  
STATE OF MONTANA

Case Number: OP 24-0175

IN THE SUPREME COURT OF THE STATE OF MONTANA

OP 24-0175

FILED

APR - 9 2024

Bowen Greenwood  
Clerk of Supreme Court  
State of Montana

JAMES ROBERT BLODGETT,

Petitioner,

v.

ORDER

RAY VAUGHN, CAPTAIN, BUTTE-SILVER  
BOW COUNTY DETENTION CENTER,

Respondent.

James Robert Blodgett petitions this Court for habeas corpus relief, indicating that his incarceration is illegal, by asserting that “[a] D.O.C. Hold is only good for nine months.” Blodgett states that he has been detained in the Butte-Silver Bow County Detention Center since March 1, 2023.

Blodgett provides that he “posted [b]ail for Possession with Intent” on November 1, 2022, and he “posted [b]ail for Theft” on December 25, 2022. He adds that he “was revoked” on March 1, 2023, and that the Department of Corrections (D.O.C.) put on a hold on him. He maintains that he should have been released “to [his] Bonds[]” on December 1, 2023. Blodgett requests his immediate release and his charges dropped. Blodgett does not include any more information about his cases or supporting documentation.

This Court contacted the Second Judicial District Court, Butte-Silver Bow County, to secure copies of the registers of actions. Blodgett has two matters pending in the District Court where the court has set bond at \$100,000 and \$10,000, respectively. He also has appointed counsel to represent him. In his 2022 matter, a jury trial is set for June 24, 2024, and in his 2023 matter, the court held a *Gallagher* hearing<sup>1</sup> late last year.

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<sup>1</sup> *State v. Gallagher*, 1998 MT 70, 288 Mont. 180, 955 P.2d 1371.

The District Court has not sentenced Blodgett yet. Under Montana law, “[w]hen a person is . . . detained in custody on any criminal charge for want of bail, the person is entitled to a writ of habeas corpus for the purpose of giving bail upon averring that fact in the person’s petition[.]” Section 46-22-103, MCA. Blodgett has not shown want of bail here. 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. The District Court set a bail amount in each case. The District Court issued a bench warrant on December 5, 2022, four days after Blodgett claims that he should have been released on bail. Given the limited information presented here, it appears that circumstances changed to keep Blodgett detained. Blodgett is being held on a court’s warrant for arrest, not the D.O.C.’s hold.


Blodgett has not demonstrated illegal incarceration. Section 46-22-101(1), MCA. Blodgett has not demonstrated that he is entitled to release or the dismissal of charges. Blodgett has the remedy of appeal after he receives a final, written judgment. Section 46-20-104(1), MCA; M. R. App. P. 4(5)(b)(i). Therefore,


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

The Clerk is directed to provide a copy of this Order to: the Honorable Robert J. Whelan, District Court Judge; Beth Parks, Clerk of District Court, under Cause Nos. DC 22-257, and DC 23-042, and for distribution to counsel of record; Captain Ray Vaughn; counsel of record, and James R. Blodgett personally.

DATED this 9<sup>th</sup> day of April, 2024.

  
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Chief Justice

  
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*Jan Rice*  
Justices

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