

IN THE SUPREME COURT OF THE STATE OF MONTANA

No. _____

ROBERT EUGENE WILLIAMS,

Petitioner,

v.

SHERYL ZIEGLER, COMMANDER, MISSOULA COUNTY DETENTION
FACILITY,

Respondent.

PETITION FOR WRIT OF HABEAS CORPUS

APPEARANCES:

BRADLEY J. JONES
R. SPENCER BRADFORD
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ATTORNEYS FOR PETITIONER

Sheryl Ziegler, Commander
Missoula County Detention Facility
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Missoula, MT 59808
Phone: (406) 258-4047
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RESPONDENT

1 COMES NOW Petitioner Robert Eugene Williams (“Bob”), by and through his
2 counsel of record and pursuant to Mont. Const. Art. VII § 2(2) and Mont. R. App. P.
3 14(2), and hereby petitions the Supreme Court of the State of Montana for a Writ of
4 Habeas Corpus. He is entitled to a Writ of Habeas Corpus under Mont. Code Ann. §
5 46-22-101 because he has been unlawfully detained.
6

7 **FACTUAL BACKGROUND**

8 Bob and Brenda Williams (“Brenda”) were married August 1995. They divorced
9 and continued to maintain a household together until July 7, 2017. After their divorce,
10 Bob created a series of irrevocable trusts called the Legacy I Trust, the Legacy II Trust,
11 the Legacy III Trust, the Legacy IV Trust, (collectively referred to herein as the “Legacy
12 Trusts”). Bob was the Trustee. Brenda, Samuel Williams (“Sam”) Robert Williams Jr.
13 (“Bobby”), and Brodie Williams Sr. (“Brodie”) are beneficiaries of the Legacy Trusts.
14

15 On March 1, 2023, Brenda, Bobby, and Brodie filed a verified petition to remove
16 Bob as Trustee in Fourth Judicial District Court, Missoula County, Cause No.
17 DG-32-2023-27.
18

19 On August 22, 2023, Bob was removed as Trustee and James Whaley, CPA was
20 appointed as Trustee.

21 On January 29, 2024, the Court ordered Bob and Sam, despite Sam not being a
22 party to the litigation, to deliver Trust property to the Trustee (including funds received
23 from Safeco Insurance Company for remediation at Trust property). See *Order*
24

1 *Compelling Sam Williams to Turn Over Trust Assets to Trustee, Exhibit 1.*

2 During the course of the litigation, before the issue of removal was finalized,
3 insurance funds in the amount of \$75,000.00 were sent to AS Built Customs LLC (“AS
4 Built”) to begin the first phase of fire damage on one of the Trust properties. James
5 Whaley stated in Court that about \$10,000.00 worth of work had been completed, but he
6 refused to allow Sam through AS Built to complete the rest of the work.
7

8 On January 25, 2024, Bob’s attorney (R. Spencer Bradford) appeared and
9 provided support of Bob and Sam’s compliance with the Court’s orders. Sam and Bob
10 were unavailable for the hearing and a new status hearing was scheduled for March 26,
11 2024.
12

13 On April 16, 2024, Bob and Sam filed for Chapter 7 bankruptcy, and Yellowstone
14 Law Group, LLC, their counsel for the bankruptcy proceeding, notified the Fourth
15 Judicial District Clerk of Court. See **Exhibit 2**.

16 A show cause hearing was set for April 17, 2024 to address Sam’s joinder as a
17 party and delivery of the remainder of the insurance proceeds funds to the Trustee. In
18 addition to the previous notification of the Clerk of Court, Judge Deschamps was
19 advised of the bankruptcy filing in open court.
20

21 A discussion was held between the court, counsel, trustee, and all parties
22 present regarding the seventy-five thousand dollars (\$75,000.00) that was
23 distributed out of the insurance money that was received from Safeco
24 Insurance. Mr. Bradford advised the Court that this money was paid to
Sam and Sam’s company and the Court should not hold the Respondent
[Bob] in contempt. Sam Williams stated to the Court that they had turned

1 over all moneys to the trustee back last year *and they have filed*
2 *bankruptcy.*

3 *Minute Entry*; emphasis added. **Exhibit 3.**

4 Further discussions were then held on holding Robert Williams and Sam
5 Williams in contempt. The Court having heard from counsel, the trustee,
6 and parties the Court ordered Robert E. Williams Sr. to be taken into
7 custody at this time. He may be released as soon as the \$75,000.00 is
8 deposited with the Missoula County Clerk of Court Office. Regarding Sam
9 Williams, the Court will allow Sam until April 22, 2024, to comply with
10 the Court's order to not be held in contempt. If he does not comply with
11 the Court's Order, he will be placed into custody.

12 *Id.* See also *Order Holding Robert Williams in Contempt of Court*, attached as
13 **EXHIBIT 4.**

14 Bob is 75 years old and has significant health issues, including heart condition
15 and cancer. As of the time of this filing, the correctional facility had not provided Bob
16 with the medication he requires for his heart condition and severe arthritis.

17 When Judge Deschamps ordered Bob to be taken into custody and threatened to
18 incarcerate Sam next week, he was fully aware that Bob and Sam had filed for
19 bankruptcy and they do not have the \$75,000.00 the Court is requiring that they pay.
20 See Bob's *Voluntary Petition for Individuals Filing for Bankruptcy* (Form 101), *Notice*
21 *of Chapter 7 Bankruptcy Case* (Form 309A), a *Notice of Bankruptcy Case Filing* in the
22 U.S. Bankruptcy Court on April 15, 2024 attached as **Exhibit 5.**

23 Judge Deschamps has essentially put Bob in debtor's prison because he cannot
24 pay this debt. See Bob's USAA Bank checking account statements attached as **Exhibit**

1 6. Any requests for money judgments by federal law have to be directed to the
2 bankruptcy trustee. Judge Deschamps has also created a Catch 22 scenario: Bob is
3 bankrupt and cannot pay the \$75,000.00 but he cannot get out of jail until he pays it.
4 Furthermore, the incarceration is inappropriate because Judge Deschamps had no
5 evidence before him that Bob had any of the money in his possession. Judge
6 Deschamps' order ignores established bankruptcy law. The required action is to address
7 the judgment with the bankruptcy trustee in due process of that proceeding.
8

9 **RELIEF REQUESTED**

10 Petitioner Robert Eugene Williams requests his immediate release from Missoula
11 County Detention Facility.
12

13 DATED this 18th day of April, 2024.

14 BULMAN JONES & COOK PLLC

15 By: /s/ R. Spencer Bradford

16 R. Spencer Bradford

17 Attorney for Petitioner
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23
24

CERTIFICATE OF SERVICE

I, Richard Spencer Bradford, hereby certify that I have served true and accurate copies of the foregoing Petition - Writ to the following on 04-18-2024:

Colleen Elizabeth Ambrose (Govt Attorney)
5 S LAST CHANCE GULCH
PO Box 201301
HELENA MT 59601-
Representing: Sheryl Ziegler
Service Method: eService

Austin Miles Knudsen (Govt Attorney)
215 N. Sanders
Helena MT 59620
Representing: Sheryl Ziegler
Service Method: eService

Electronically signed by Becky Henderson on behalf of Richard Spencer Bradford
Dated: 04-18-2024