

Rachell RENE FLORES

Inmate Name

357911

Inmate ID or AO#

Lewis Clark County Retention Center

Facility of Incarceration

221 Breckenridge

Address of Facility

Helena MT 59601

City

State

Zip

FILED

04/25/2024

Bowen Greenwood
CLERK OF THE SUPREME COURT
STATE OF MONTANA

Case Number: OP 24-0257

FILED

APR 25 2024

Bowen Greenwood
Clerk of Supreme Court
State of Montana

IN THE SUPREME COURT OF THE STATE OF MONTANA

No. OP 24-0257

[The Clerk of Court will assign a number]

Rachell Rene FLORES

NAME

PETITIONER,

v.

CPT. BRADLY BRAGGS

NAME OF WARDEN/FACILITY ADMINISTRATOR,

Petition for Writ of

~~Habeas Corpus~~

Mandamus

RESPONDENT.

I, Rachell Rene FLORES,

[Name of Inmate]

am representing myself, and I

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, OR CRUEL and UNUSUAL punishments inflicted.

☐ 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.

ARTICLE II SECTION 22. EXCESSIVE SANCTIONS.

"CRUEL AND UNUSUAL PUNISHMENTS INFLICTED".

AMENDMENT VIII. "NOT CRUEL AND UNUSUAL PUNISHMENT INFLICTED".

WALKER VS STATE OF MT. 2003, (134,316 MONT. 103, 68. P3d 872 MONT2003) - 55, 76, 81 -

DELIBERATE INTERFERENCE - EXACERBATE MY MENTAL HEALTH - SUBSTANTIAL RISK OF SERIOUS HARM -

RULE 21 -

RULE 1996 AMENDMENT -

SUBDIVISION (C) - ADMINISTRATIVE AGENCY.

(1)

RACHEL RENE FIORES
4.18.24

My time here in Jail Since
DECEMBER 28th 2023 has BEEN painful.

In EARLY DECEMBER AFTER MY PROBATION
OFFICER FILED FOR petition TO REVOKE, I

found in my MEDICAL REPORTS BASEL GIANVIGLIA
CALCIFICATIONS NOTED in my CT SCANS.

SAINT PETER HOSPITAL CHANGED ITS (THE) FORMAT
of online RECORDS and BEGAN including CT

and other TYPE of REPORTS. I WAS going INTO
my blood work REPORTS and NOTICED my CT

SCANS. I had BEEN REFERRED TO THE

NEUROLOGIST in 2021 for 3rd inner wall DESSERTIONS

in my skull base. I WAS given a possible

3 MTS TO SURVIVE. I FIGURED SINCE I

SURVIVED I Kinda failed to keep my appointments in Great-falls. It happened 3 times. My Probation officer was aware and I was unable to work out, lift anything, fight or stress causing any blood rush because of my ARTERIES had torn 3 times twice on the left side and once on the right. The ARTERIES supplied blood to my brain. Each time they tore clots or sudden death could have occurred. The Skull I have is Deformed it is missing the lower half considered "underdeveloped", at the BASE. The BASE is where I'm weak at lack of Skull and stress from straining, so I tore my ARTERIES vomiting violently. I was sent to Great-falls because blood clots blocked my Right Brain,

(2)

and I was at Risk of Death. The Medication for Blood thinners was for 6 MTS AFTER I LEFT GREAT FALLS. I have had a history of torn veins and clots Since after Becoming a Mother in 2013. I am also Severely anemic. I Receive a year from 2/3 blood/feritan infusions. We been offered Blood Transfusions Since 2011 and Received them and Iron feritan infusions Since then as well. So I was checking my Records to see my levels of IRON to find out if I should have a more sooner rather than later Doctors Appointment at The Cancer Treatment Center where my Hematologist Dr is. I have been Under The Care of Hematologist

SINCE 2011 and EVERY YEAR ON AVERAGE
I RECEIVED AT MINIMUM 2 IRON INFUSIONS
MOST YEARS I RECEIVE 3 INFUSIONS.

I'm Now 44 and EARLY / ONSET of MENOPAUSE
HAD STARTED LAST YEAR. SO MY IRON STORES
WERE A BIT HIGHER AND I RECEIVED ONE
INFUSION. I ONLY HAD 2 MENSTRUATION CYCLES
THAT YEAR / LAST YEAR, WHEN I HAD
SEEN MY DOCTOR. THEN AFTER MY INFUSION
I DID HAVE A FEW MORE UNEXPECTED
CYCLES THAT DROPPED MY IRON STORES
TO THE POINT OF BEING LOW OF RED BLOOD
CELLS. THAT REPORT SHOWING MY STATE
OF SEVERE ANEMIA WAS IN JAN 2024
BLOOD WORK. WELL IN EARLY DECEMBER
I FOUND IN MY MEDICAL REPORTS.

(3)

The Tumor-type grows in my
BRAIN. I immediately emailed my
probation officer and tried to ask for
understanding. She was indifferent. I
during the beginning of Jan 2024 had
my second Referral to the Neurologist
after I Bonded out of Jail. My first
Referral was sent in December and
had expired while in Jail. I was
arrested December 28, 2023. My
second Referral was sent and the
Doctor did not file it correctly, then
a 3rd Referral was sent. I was in
court Feb 7th and placed back into
Jail even though I asked the Judge
for time to sentence me be held off

for MEDICAL CARE. IT WAS A fact
finding hearing. The Judge and P.A.
and my Counsel had a copy of my CT
Report showing my BRAIN TUMOR growths.
I WAS PLACED INTO JAIL.

In DECEMBER I gave the
Jail Permission / Release of information
to verify my 'BASEL Craniocula Calcifi-
cation growths' that are in a mild
Stage. The Jail had proof.

I am also on Mental health
Disability and Receive SSDI.

In DECEMBER another
inmate LURED ME INTO THE ROOM
of another inmate and ATTACKED ME.
She was seen at an point in a

video they can hardly see because

the placement of cameras, the officer

said they seen her dragging me into

the cell and at another point when

im standing next to the door she is

seen on video placing me into a choke

hold. the other female told the officers

i never hit her, because i did not

i never once hit her until the point

when she was choking me i poked

one of his eyes and then she stopped

it was not her room. there are

two witnesses here in jail still who

that was their room. the jail claims

it was my fault, i tried to press

charges and they, the jail officers

(4)

TOLD THE INVESTIGATORS THAT I WENT INTO HER ROOM SO I WAS OUT OF PLACE. IT WAS NOT HER ROOM & I WAS ON A MAT ON THE FLOOR IN A HALLWAY AREA BECAUSE OF OVERCROWDING. I HAD NO ROOM, AND I WAS TOLD I COULD USE ANY RESTROOM GIVING ME THE RIGHT TO BE IN ANOTHER INMATES ROOM. THE PERSON WHO ATTACKED ~~my~~ ME HAD A ROOM UPSTAIRS AND THIS ASSULT ON ~~my~~ ME HAPPENED DOWNSTAIRS, SHE THE INMATE WHO ATTACKED ME WAS IN THE WRONG ROOM, NOT ME. AFTER SHE ASSULTED ME, I HAD A BLACKISH EYE MISSING HAIR AND MY NECK WAS HURTING. I ASKED THE GUARDS TO LET ME

(5)

GO TO THE ER FOR MEDICAL CARE.

THE EMT SHOWED UP AND ASKED ME IF I NEEDED MEDICAL CARE AND I DID.

THE EMT SAID THEY WOULD BE BACK

AND THEN TAKE ME TO THE ER. THE

GUARDS AT THE JAIL TALKED THE EMT OUT OF TAKING ME TO THE ER. I KEPT ASKING

BECAUSE MY ARTERIES HAD TORN 3 TIMES

IN 2021. I WAS WORRIED IT HAD HAPPENED AGAIN BECAUSE OF THE HENDLOCK CHOKER

HOLD AND THE VIOLENCE OF GETTING A LARGE AMMOUNT OF HAIR PULLED OUT. THE JAIL

REFUSED TO LET ME GET MEDICAL CARE EVEN

WITH RECORDS OF MY BRAIN TUMMOR GROWTHS.

I WAS WORRIED I WAS GOING TO CLOT AGAIN

AND DIE IN MY SLEEP, OR STROKE.

The JAIL still REFUSED TO allow me MEDICAL CARE The JAIL also PREVENTED me from PRESSING charges BLAMING me. EVEN if I WAS IN THE SAME CELL AS HER She Still CHOKED me and ASSAULTED me. The OTHER lady ON RECORD clearly STATED I DID NOT hit her; So why DID She NOT get charged? Then AFTER a WEEK OR SO, The JAIL and another OFFICER decided AFTER I WAS IN my own ROOM/ CELL; a TWO BUNK CELL, THAT She (the INMATE who ASSAULTED me WAS) MOVED INTO my ROOM. The GUARDS ASKED me if WE had been able TO get along and I could NOT Refuse IN FEAR of The JAIL.

16)

I was given Room 604, She was next door in 603 and the guards moved her into my room when the other inmates wanted her out. I was afraid to go against what the jail wanted because I needed medical care. They placed Trina into my room after she admitted choking me and beating me, after she admitted I did not fight back. I felt as if I could not do anything, the jail knew my CT scan report of tumor type growths, the jail knows I'm mentally disabled on SSDI and then they forced me to be in the same room as a person who strangled me.

They, the JAIL CLAIMED TO ASK ME if I was OK with the situation while glaring at me and she TRINA-telling the guards EVERYTHING was going to be OK. She bullies ME. Made fun of ME and made JOKES of strangeling me. Because when she choked me in the other guy's room she said

"Nite Nite Bitch, I put Bitches to sleep" while she was strangeling she said THAT so the JOKE in the POD was "Nite Nite".

I was still worried about blood clots I bailed out of JAIL and got medical care that Day and again TRYED TO PRESS charges. IN the ER the OFFICER TOLD ME THAT the Reason the

(7)

Lewis and Clark Sheriff's office was NOT pressing charges on her is because they claim I was in her room that Day. It was NOT her room. Even if it was, had she attacked me again in my room or any room I did not hit her. She attacked me strangled me and told the guards I did NOT even once hit her & that if she should have been charged. Then they put her in my room when I moved into one, knowing she strangled me.

My arteries were fine. My E.R visit that I went to get medical care the Day I got out within 24 hours, shows I was there because of the assault, it will

PROVE MY MEDICAL ISSUES.

Now I'm here in Jail and while out on Bond my blood showed my STATE OF ANEMIA, & I NEED TRAM.

I was given ONE MEDICATION DURING Bond for Pain in my head from my tummar type growths & Hs for

Migrains; when they the DOCTORS REFERRED ME TO THE NEUROLOGIST again & I was

GIVEN Pain Medication until I can SEE

THE NURO. Its a Medication for Migraines

and the Jail claims they Dont allow it

because DOC policy. DOC Does allow

that medication in other facilities. This

Jail claims DOC is why they Restrict

Medication. This Detention Center has

(8)

Given PureView Medical Office
a list of medications the Doctors are not
allowed to prescribe. They have interfered
with my medical care and Doctor
Patient Care, my Rights to Medical Care.
I'm sentenced to a facility that does
allow my medication, and although I may
not be accepted there, the overall
lack of one set standard of care within
the DOC here in Montana is obvious.
I feel that I'm suffering because of
lack of standard of care. I'm in extreme
pain, the lights are blinding, there are
over 55 bright lights in this dorm of
20 beds. No private cells in this dorm.
No volume control of the T.V. and

Its just Painful. There is a different POP where Sigel Cells are Rooms with 2 Bunks, Im just afraid to Be in more of a secluded POD Because of what happened in Deamber I feel Safer with Open Dorm Room Type Because of More chance to Blend in less focus on me. Im in Pain Im Still in Need of Iron. I HAVE YET TO SEE any DOCTOR.

When I got here in FEB, 2024 I began asking for THE MEDICAL CARE I WAS SEEKING while on Bonds I WROTE A Note TO The RN and asked TO get My Iron Hematologist Appointment. I Requested my Appointment with

(a)

Neurologist, The Referral I got while on Bond. The Jail R.N TOLD ME THAT the Reason She DID NOT Schedule my Neurology Appointment is BECAUSE my Referral was "NOT URGENT". I HAVE a Terminal condition. ONE with NO possible TREATMENT. I can only have help during my suffering and possible physical therapy. From what I READ online. I NEED a LETTER from my Neurologist showing my Terminal condition and my life expectancy and medical needs to apply for Compassionate Release. EVEN with NO chance of a cure I still need to see the Doctor. All I have is C.T Reports showing Tumor type growths and what STAGE

They are in. They have been

Noted in my records for a few

years.

The RN here has refused to

schedule my anemia blood infusion.

appointment she / He / They here in

this Jail have a Release to Set Medical

care appointments and she / They have

Refused to. My anemia is so severe I'm

getting bruises from the tablets and

any of my turns of getting in and out of

bed. I need iron, my hair falls out

I can't exercise or get physical without

being extremely sore I'm defenseless

The RN has refused to schedule me

blood sugar testing even though I'm

(10)

Severely Hypoglycemic Low Blood Sugar I have been hospitalized twice for low blood sugar. I've had to purchase a lot of extra food to maintain my blood sugar and the one time I recently requested blood sugar testing I was around 50/60. I've had on record here blood sugars in the 40/50⁺ and yet the fail to have me testing. If my blood sugars are unable to stabilize I get admitted to the hospital. I don't even get to keep track of my blood sugar because "it was fine" once after returning to jail 2.7.24. So the RN told me my blood sugar "is fine" it's not fine. I was taken into the ER.

Having ~~Seizures~~ Seizures in
June 2023. Blood Sugar of 38, 38 ish
(Below 40). The RN here Refuses
to add me to The list of Those who
Monitor Blood Sugar and its deadly
to me, organ failure, Seizures, brain
Damage more than I'm already
Battling. The Nurse told me I'm
not able to be checked Regularly
and according to her I'm fine even
though my medical history and Records
have my 'Reactive Non Diabetic
Hypoglycemia' on Record.

I'm in here now since Feb 7th
and demanded a blood sugar recently
and they can Refuse me that Because

(11)

of what the R.N. said. If

I ask even once they, the guards

have to get it approved while in almost

in a comm. Normal range for gamma

from low blood sugar is 45 ish. My

test here in the past have been near

that. But they don't allow me to

monitor my blood sugar because the R.N.

said "it's fun", when I asked. This is

causing damage. If/when my blood

sugars are low from so many carbs

I have gotten a prescription for

feature drinks. I have been unable to

see my doctor to even get that, and

I do currently as of in last 6 mts

have a prescription for nutritional

Supplements for Protein

No Pain Medication, No
Blood Sugar help and letting People
assault me then Denying me Medical
Care AFTER / TALKING EMAT OUT of
TAKING ME TO THE ER / NOT ALLOWING
EMT TO TAKE ME TO THE ER when
they said on camera they were
going to.

DOC HAS NO SET STANDARD
OF CARE. THE JAIL / DOC has TOLD
a Medical facility NOT TO PRESCRIBE
Medications on the list DOC /
Lewis Clark County Detention Center
Does NOT allow. My Medication
is for Migraines. & IT CAUSES

(12)

Less inflammation in my Brain,
Inflammation DUE TO growing Tumors/
growths. The Jail allows Suboxone
for people in DOC / here, and my
Medication is way less MISUSED And
is NOT in the same Classification, for
Migraines, head Pain

I need help. This is CRUEL.

THIS JAIL HAS MENTALLY TORTURED ME
putting someone in the same CELL as
me alone, a person They knew STRANGER
to me - I'm Mentally Disabled. Dying
with a Terminal condition. I can't fight
back - I'm weak need ER care, I'm in
Pain, I need Medication for hospice

TYPE care. ~~am~~ I also NEED
TO Be PROTECTED and Charges PRESSED
On a PERSON they Seen on camera
Near The DOOR Putting me in a
Near lock strangeling me, I NEVER
Even hit her, Not ONCE & I HAVE
NO violent RECORD and She Did

I only have a few years
left according to The others who
DIED from this RARE condition EARLY
in life. This Suffering is causing
my life expectancy to SHORTEN.
Other People LIVED longer Due TO Medical
care / help with Maintaing BRAIN
activity They had / have left I'm
getting damaged. WORSE Due TO

(13)

Suffering without pain meds

that help ease the inflammation in

my brain

Basal Ganglia Calcification

- Stones. The stones are growing in

my head. I have been waiting since

February 7th 2024 to have a medical

appointment. The nurse will not allow

me to monitor my blood sugar / will

not allow me to see my hematologist

and scheduled my regular Dr appointment

for almost 7/8 week later.

I still am waiting

This is terrible am asking

for help for medical care / standard

of care.

~Im asking for a compensation
for pain and suffering from
this ~Im seeking to change how
the JAIL INTERFERS WITH DOCTOR'S
RIGHTS TO TREAT INMATES We are
IN COUNTY JAIL NOT PRISON.

~I was already DENIED my medication
PRIOR TO Being SENTENCED, What
if I had been found NOT guilty?

Why are they following DOC / Claiming
DOC Policy to RESTRICT People who
some HAVE NOT EVEN BEEN SENTENCED.

Human Right Bureau complaint
filed And THEN DESTROYED / REGISTERO
my first letter they sent me. Then
open and DESTROYED my second letter
from The Human Rights Bureau.
HRB REFERED ME TO ACLU.

(14)

Deliberate indifference -

my delays of medical appointments,

Refusal to monitor blood sugar levels,

Refusing to allow ZMT emergency

medical care BE given, Refusing to

allow medical prescriptions to be

administered / taken. Placing me in

a cell alone after another inmate admitted

to strangling me. Refusing to contact my dr

Substantial risk of serious harm

-knowing I'm low on blood / iron and

may cause organ failure / brain damage

knowing I was assaulted and strangled

then placing that inmate into my room

weeks later to live alone in a locked

2 bed cell alone with no call button

The emergency call button was

broken and the door at night was

closed often no way to call for help

my terminal condition is not receiving

any medical care causing my life

expectancy to shorten because of

combined medical neglect

EXAGGERATE my mental

HEALTH - I was screaming and crying

and unable to clearly advocate for

myself after being placed / forced

to be in a cell with the inmate who

assaulted me - I then shut down

under fear and stopped requesting more

help until I banded out of jail and

went to the E.R. I was unable to

(15) figure out a way to contact
Some one to BAIL me out of JAIL
until I was MOVED out of THAT
CELL INTO General Population and
was mentally able TO figure out
a way TO Bond out WITH other
people around in a SAFER involvement
of POD 8. Trina would NOT act
NICE OR she would be aggressive if
I spoke with others. I was giving
my food to her and as her Rule I was
suppose TO Share with her. The JAIL
FORCED ME TO comply with my ATTACKER
out of FEAR of attack they would NOT
PROSECUTE; And while Terminal.

Rachell Hlaes
4.18.24

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: ALLOW CHARGES / INVESTIGATE MY ASSAULT.

STOP THE LEWIS CLARK COUNTY DETENTION CENTER
FROM INTERFERING WITH DR CARE VIA PAPERWORK.

STOP THE RESTRICTIVE DOC POLICY FROM BEING
ENFORCED AT A COUNTY JAIL, THE MEDICATION
RESTRICTIONS. ENFORCE TIME LIMITS FOR DOCTOR
APPOINTMENTS TO NOT BE OVER 2 WEEK DELAYED.
BLOOD SUGAR TESTING FOR THOSE WHO NEED IT
COMPENSATIONS - VERIFICATION
STATE OF MONTANA) PAIN AND SUFFERING - MENTAL TRAUMA
: SS.

County of _____)

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 18 day of April, 2024.

Rachell Flores
Inmate Signature

RACHELL RENE FLORES
Printed Name

CERTIFICATE OF MAILING (SERVICE)

I hereby certify that on April 18, 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]

Rachelle Flores
[Signature]

RACHEL RENE FLORES
[Print name]