

FILED

04/29/2024

Bowen Greenwood
CLERK OF THE SUPREME COURT
STATE OF MONTANA

Case Number: OP 24-0267

Brian Parker

Inmate Name

302 9798

Inmate ID or AO#

Nexus

Facility of Incarceration

110 Skyline Drive

Address of Facility

Lewistown MT 59457

City

State

Zip

FILED

APR 29 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]

Brian Parker

NAME

PETITIONER,

v.

Rick Barman

NAME OF WARDEN/FACILITY ADMINISTRATOR,

RESPONDENT.

Petition for Writ of
Habeas Corpus

I, Brian Parker

[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.

☒ 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.

I only have one DWI in Montana but it was charged with a felony 4th based on previous DWI convictions in Minnesota. Under Minnesota law they fall off after 10 years. The 01-26-2010 and 08-07-1995 have fallen off. I would like to be resentenced. The DWI in Montana was in December of 2014 in Richland County. It is to

my current belief i was
illegally sentenced and am
asking to be resentenced to
a misdemeanor

[Use extra pages if necessary]

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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:

VERIFICATION

STATE OF MONTANA

County of _____

)
: 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 2nd day of February, 2024


Inmate Signature

Brian Parker
Printed Name

Certificate of Service

4-25-24

I Brian Wayne Parker have served the following three parties by VS mail.

1. Clerk of the Montana Supreme Court

P.O. Box 203003
Helena, MT 59620-3003
mailed on 4-25-24

2. Attorney General

P.O. Box 201401
Helena, MT 59620-1401
mailed on 4-25-24

3. Charity Sue McLarty Govt Attorney
~~300 12th~~ 300 12th Ave / N.W. Ste 7
Sidney, MT 59270 / N.W. Ste #17
mailed on 4-25-24

I Brian Parker swear this to be true and honest

