

Alex Smith #3032443
50 Crossroads Drive
Shelby, MT 59474

Cause No. DPCV-23-03

Petition for Writ of Supervisory Control

OP24-0281

MAY 3 2024
Bowen Greenwood
CLERK OF THE SUPREME COURT
STATE OF MONTANA
Case Number OP 24-0281

(7-11-23) The petitioner in this matter has made several attempts to resolve the case in district court. After a motion to disqualify Hon. Judge John Parker for failing to respond to previous motion and other concerns, the petitioner made clear to the court that the court did not properly interpret the law concerning the disqualification of a judge in a district court with more than one judge. It is only after exhausting all options in district court that petitioner brings this postconviction petition to the Supreme Court, either for Supervisory Control or however this court determines to proceed. As a pro se petitioner, I am confused about how to present this matter before the court. The district court, that referred this (see exhibit Z) petition to Supreme Court, appears to be suffering in its ability to record info on proceedings and afford due process to defendants, evidenced by the petitioner's struggles and paperwork intended for another litigant, which the clerk accidentally sent to this petitioner. If the Supreme Court needs evidence beyond that provided in this mailing, petitioner requests leave to provide such, due to lack of monetary resources.

Alex Smith

motion on reverse
Alex Smith 2-9-24

FILED

MAY - 3 2024

Bowen Greenwood
Clerk of Supreme Court
State of Montana

IN THE SUPREME COURT OF MONTANA

MOTION TO ALLOW PETITIONER
TO PROCEED WITHOUT PAYING
FILING FEE

I respectfully move the court to
allow me to proceed as an indigent
petitioner.

Alex Smith Alex Smith Dated 2-9-24
3032443

doc # 31824-1

Alex Smith
50 Crossroads Dr.
Shelby, MT 59474

Affidavit
Cause No DDV-23-034

The petitioner in this matter seeks summary judgment, after seeking the same in district court. Testimony from his former counsel shows that Ms. Arab was tending to prenatal, birthing and postpartum concerns at a critical stage of the petitioner's defense and plea negotiations. Further testimony from petitioner's former counsel proves that decisions were made concerning which of the two would represent their client's interests, based pregnancy, birthing and postpartum concerns and that the existence of the uncollected phone was plausible.

Testimony from the petitioner's mother shows that the petitioner was complaining about his counsel's performance and that his mother had to collect the evidence counsel failed to. Also demonstrating counsel's deficiencies is in the ex parte communication to the judge, noting counsel was making decisions against their client's prompting. Any other claims the petitioner listed are not needed to show that counsel's performance fell below prevailing standards, such that they were not providing the effective assistance guaranteed by the U.S. Constitution and their failures cost the petitioner a chance at trial.

District court abused discretion and abused process in failure to record proceedings and process motions timely. Summary judgment is sought in reversing the charges and ordering petitioner to be discharged from prison.

Alex Smith #3032443

2-20-24

alex smith

doc # 31824-2

writ for supervisory control, motion to proceed without paying, motion for summary judgment, exhibits Xiii, Xiv, Xvi and Xvii and ZZ, Zi affidavit, exhibits ZX, ZXi, Z-7, A, B, M, ground for relief.

H. Judge John Parker
Eighth Judicial District Court
415 2nd Ave. N.
Great Falls, MT 59401

Alex Smith Dated 3-7-24

CERTIFICATE OF SERVICE

I certify that I filed this

- ☒ Petition for writ of supervisory control
☒ Motion to waive filing fee
☒ Other exhibits: #1; A, B, Xvi, Xvii, Z;

[Name of document]

with the Clerk of the Montana Supreme Court and that I have mailed or hand delivered a copy to each attorney of record and any other party not represented by counsel as follows:

Boland Aarab Law Office

[Name of opposing counsel]

11 5th St. N. Suite 207

Great Falls, MT 59401

[Address]

Counsel for Alex Smith

Judge John Parker 8th Judicial District Court

[Other party representing himself or herself]

415 2nd Ave N.

Great Falls, MT 59401

[Address]

DATED this 24 day of April, 2024.

Alex Smith

[Signature]

Alex Smith

[Print name]

