

FILED

05/23/2024

Bowen Greenwood
CLERK OF THE SUPREME COURT
STATE OF MONTANA

Case Number: OP 24-0329

Daniel Brendan Lally

Inmate Name

AO# 2068082

Inmate ID or AO#

Missoula Assessment and Sanction Center

Facility of Incarceration

2340 Mallan Road

Address of Facility

Missoula

City

MT

State

59808

Zip

FILED

MAY 23 2024

Bowen Greenwood
Clerk of Supreme Court
State of Montana

IN THE SUPREME COURT OF THE STATE OF MONTANA

No. OP 24-0329

[The Clerk of Court will assign a number]

Daniel Brendan Lally

NAME

PETITIONER,

v.

Petition for Writ of
Habeas Corpus

Captain Jason Kowalski

NAME OF WARDEN/FACILITY ADMINISTRATOR,

RESPONDENT.

I, Daniel Brendan Lally

[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.

On May 5th 2022 Officer Sean Daly gave false testimony to Judge Ray Dayton about failed UAS. On March 21st 2024 Officer Jared Poole gave false testimony when asked about Treatment, Drug use, all of his testimony can be proven to be lies and mis leading. Officer Poole testified that he had nothing from CeederCreek about my Feb 27th CDEVAL, yet if you ask CeederCreek they will confirm he is lying, The Bozeman P & PO office testified that they do not honor the Montana Guidelines. I lost my suspended sentence completely based on false information testified by Officers. Perjury can be proven if you would just look into my file and talk with my counselors office

at cedar creek.

Officer Sean Daly had me sit 9 months while the State finally dropped all charges then he testified saying I had "several failed UA's" on May 5 2022. In fact I had (0) zero failed UA's to that date and (0) zero failed UA's until March 20th 2024. when somehow the night before court in Judge Dayton's 3rd Judicial District Court Officer Poole comes up with (1) one dirty UA and tells the court he recommends Conditional Release yet here I am in Prison waiting to go to CCPEast for dietary Issues and a Pre-release. I put myself through MCDC last July 2023 and have not used any illegal substances since June when I relapsed. I was revoked for 1 dirty UA since I started in November 2021 and one violation for being in a casino in April 2023. I would like my suspended sentence back and criminal charges for Perjury brought up against Officer Sean Daly and Officer Jared Poole. Please help Thank you & Good Bless

[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:

reinstate my suspended sentence, release me
from Prison or where ever I am at the time of
Judgement and allow me to relocate Probation
to Missoula County P & P Please God Bless

VERIFICATION

STATE OF MONTANA)
County of Missoula) 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 17th day of May, 2024.


Inmate Signature

Daniel B. Lally
Printed Name

CERTIFICATE OF MAILING (SERVICE)

I hereby certify that on May 20th, 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)

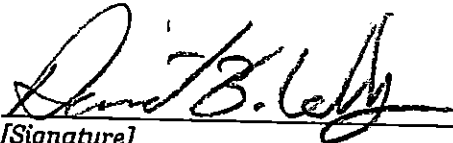
Office of the Attorney General

P. O. Box 201401

Helena, MT 59620-1401

or

☐ _____ County Attorney (see *INSTRUCTIONS* #9)
[Write name of County]


[Signature]

Daniel B. Lally
[Print name]