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JUN 03 2024

Bowen Greenwood
CLERK OF THE SUPREME COURT
STATE OF MONTANA

Case Number: OP-24-0349
Bowen Greenwood
Clerk of Supreme Court
State of Montana

Kimberly Cole
Inmate Name

37834 / AO# 3006501
Inmate ID or AO#

Lewis & Clark County Detention center
Facility of Incarceration

221 Breckenridge
Address of Facility

Helena MT 59601
City State Zip

IN THE SUPREME COURT OF THE STATE OF MONTANA

No. OP 24-0349
[The Clerk of Court will assign a number]

Kimberly Cole
NAME

PETITIONER,

v.

Petition for Writ of

~~Habeas Corpus~~

Braddly Braggs / DOC Brian Grootkjaer
NAME OF WARDEN / FACILITY ADMINISTRATOR, Mandate / Mandamus

RESPONDENT.

I, Kimberly Cole, am representing myself, and I
[Name of Inmate]
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.

①

Affidavit pages 1-6 | 1

The jail staff has been using removal of prescribed medication as punishment.

The Lewis & Clark County Jail and its medical staff have been overdosing me while in jail. My prescription is 8mg / 2 times per day. The Jail R.N. Cole has knowingly doubled up my prescription to 16mg at once to "save time". I have never been prescribed 16mg at one time in 7 years of being on Suboxone. I don't believe R.N. Cole was given medical clearance to do so. To give me such a high dose at one time. I do know my prescription is 8mg at 2 times

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per day. It is against the law to
give me medication at one dose I
am clearly not prescribed. I would
like this investigated and charges
brought forth. Also R.N. Cole lied
to my prescribing Doctor Lara Wells
and claimed to her after 7 years
that I had initiated in compro-
mising (cheeking) my medication in
order to have her force tapering
me off my medication. This is
false. It is a lie. The jail caught
another inmate passing a note
handing me a letter. The jail asked
for the letter at first I hesitated
out of fear of trouble, however

(2)

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when asked again, I handed it over stating I was sorry & I didn't know what it was. The Sgt retrieving the letter stated "Oh its probably for again" confirming they were aware that again & the male inmate had been passing notes yet continued to place us male/female together & allow it to continue, which it is jail policy Suboxone is ministered male/female separate. they were warned several times by higher officers to not put male/females together while taking Suboxone, had the jail followed policy & kept males separate from woman I would not have been in

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the situation that happened, I told guards the truth about Aegan & Siemsack passing letters for several weeks, they retrieved over 10 letters passed by them in Siemsaks Pod 4, I did not know that letter they took contained inmates Siemsaks Suboxone according to the jail. I was not aware of this nor do I know if it was true or tested. Following the incident the jail removed me from Honor Pod the pod with privileges, wrote me up for possession of another inmates medication even though it was given to staff within minutes. The jail then removed my medication as punishment.

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I've signed paperwork for the MATS program however never received the signed copies I requested to have knowledge of the document / policy rules. I want copies, also they asked me to sign my tapering paperwork claiming I was at fault & agreed to removal / tapering of my medication due to tampering with my medication. I refused to sign it because they lied to Tara Wells & I don't agree to ending medication for something I didn't do, had the men been separated per policy or the 2 that the jail had knowledge of them not passing this wouldn't be happening to me

3)

6

the jail failed at thier own rules / regulations to follow protocol and new im at fault cruelly and wrongfully because of issues they were 100% aware of. I feel they failed to protect me & wrongfully punishing me. it was not my fault the inmate handed me a letter for Agan with his drugs in it, I in no way have ever compromised my medication, what if somebody would have got that back to the pod & got sick or overdosed its still the jails fault for not following thier seperation policy.

1

The jail claims DOC Policy is why they restrict medication. I want the DOC Policy of medications restrictions changed to allow an MAT Program medications & not to use removal of medications as punishment. I've been here withdrawing from my other MAT medications cold turkey with only my suboxone. My mental health medications were restricted due to jail & DOC policies restricting them so I withdrew with no help medically from the medication restrictions I've been on for 7 years. I've had all medications approved for MAT program & the jail still refused to allow them restricting me.

4)

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my three main focuses of the
Civil rights violations are Cruel
& Unusual punishment. Removing
medication as punishment, Intentional
indifferences of double dosing
beyond my prescribed dose.

Intentionally lying to my Doctor
Tara Wells in order to have her
agree to taper me off the MATS
program. Failure to protect me
from male inmates who passed
me drugs even when jail
policy says males & females
are to take medication separately.
I feel there may be also entrapment
because the jail failed to protect
me from punishing me for it.

(8)

center fix its restrictive medication policy & not interfere with Doctor/patient rights. I'm seeking to have the DOC be one standard set of treatment for medical rights. Removal of medication as punishment should not be allowed in DOC or jail, I'm asking for this change to happen soon. The jail allows drugs schedule 1 & 2 medication only if on a MAT program. MAT should not be considered a privilege, it is medical care. I'm asking that all MAT medications be administered. Some MAT medications are for mental health diagnoses. Assumption of risk the jail has not been following its own medication rules. I'm asking

im seeking to have medication for compensation for mental distress that caused physical/mental bodily illness from withdrawing off medication, being forced to double dose my one medication & now im having to lose my medication of 7 years. Also I seek to have charges pressed on RN Cole for intentional indifference, because he chose to double dose me as well as others, due to his negligence & breach of contract, I want to be able to have the MAT program & all my medication while in jail or DOC on time as prescribed MAT to be reinstated to medical care im asking that the retention

9)

10

punished for something that happened
because of the jail & DOC lack of
following their own policies.

Thank you for your consideration
Kimberly Ann Cole

9-23-24

All the reasons listed in this affidavit
pages 1-5 front & back are reasons
I believe my civil rights have been
violated for cruel & unusual
punishment.

☐ My Sentence is illegal because:

☐ I WAS SENTENCED AFTER April 28 1994, 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'm entitled to good time that is not credited against my sentence.

☒ I'm being held in jail and being my bail is excessive / #8

☐ Other reasons my incarceration is illegal.

"Cruel & unusual punishment inflicted"

Artical II Section 22, Excessive Sanctions
Mental Distress

Deliberate InDeference

Exacerbate my mental Health

Substantial risk of serious harm

Rule 21

E rule 1996 - Administrative Agency

Wuxler-Vs-State of MT (2003)

See affidavit 1-6 front & back

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 courts to sentence me to a lesser sentence.

☐ that the Department of Corrections recalculate my sentence as this court directs

☒ Other relief Explain:

Reinstate my MAT Program medication to include all medications; change DOC Policy Statewide, Mediation for compensation, Investigate for criminal charges against R.N. Cole; Relief & changes even after my transfers & release from LCCDC/DOC.

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 23 day of May, 2024.

Kimberly Cole
Inmate's Signature

Kimberly Cole
Printed Name

CERTIFICATE OF MAILING (SERVICE)

I HEREDY CERTIFY that on May 23 20 24 I HAVE MAILED
THE Petition for writ of Mandamus AS NOTED TO THE FOLLOWING
ATTORNEY by placing a copy in the United States Mail, postage
PREPAID.

☒ STATE OF MONTANA
OFFICE OF THE ATTORNEY GENERAL
PO BOX 201401
HELENA, MT 59620-1401

☒ DEPARTMENT OF CORRECTIONS
DIRECTOR BRIAN M. BROOKIN
PO BOX 201301
HELENA MT 59620-1301

Kimberly Cole
SIGNATURE

Kimberly Cole
PRINTED NAME