



ORIGINAL

FILED

06/04/2024

Bowen Greenwood
CLERK OF THE SUPREME COURT
STATE OF MONTANA

Case Number: OP 24-0319

IN THE SUPREME COURT OF THE STATE OF MONTANA

OP 24-0319

CHEYENNE RAE DAWN PETERSEN,

Petitioner,

v.

ORDER

BRADLEY BRAGG,
Lewis & Clark Detention Center,

Respondent.

FILED

JUN 4 2024

Bowen Greenwood
Clerk of Supreme Court
State of Montana

On her own behalf, Cheyenne Rae Dawn Petersen has filed a Petition for Writ of Habeas Corpus, indicating illegal incarceration concerning her pending criminal case in the First Judicial District Court, Lewis and Clark County. She includes several hundred pages of attachments that appear to be filings from the District Court case.

As a threshold matter, Petersen's Petition is single-spaced and nineteen pages. M. R. App. P. 14(9)(b) provides that the text of a petition shall not "exceed 4,000 words if proportionally spaced or 12 pages if prepared in a monospaced typeface or if typewritten." Her Petition is overlength. We observe that she has counsel to represent her in her District Court proceeding. M. R. App. P. 10(1)(c). According to the court's register of actions that we secured, the District Court has held a motion hearing after the jury trial's conclusion in April. Petersen's remedy is not with this Court.

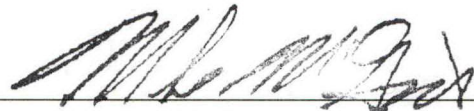
The remedy of habeas corpus is not a substitute for a direct appeal. An appeal is the proper forum in which to litigate any objections and issues concerning her conviction and sentence. *State v. Wright*, 2001 MT 282, ¶¶ 36-37, 307 Mont. 349, 42 P.3d 753; § 46-22-101(2), MCA. Petersen's remedy is to file an appeal after she has received a written, final judgment from the District Court. Therefore,

IT IS ORDERED that Petersen's Petition for Writ of Habeas Corpus is DISMISSED.


The Clerk of the Supreme Court is directed to CLOSE this matter as of this Order's date.

The Clerk is also directed to provide a copy to: the Honorable Michael McMahon, District Court Judge; Angie Sparks, Clerk of District Court, under Cause No. BDC-2022-502; Fallon Stanton, Lewis and Clark Deputy County Attorney; Benajmin Darrow and Nathan Ellis, Defense Counsel; counsel of record, and Cheyenne Rae Dawn Petersen.

DATED this 4th day of June, 2024.



Chief Justice



Justices