

FILED

06/20/2024

Bowen Greenwood
CLERK OF THE SUPREME COURT
STATE OF MONTANA

Case Number: OP 24-0383

Charles J Caplette
Inmate Name

AO#28037
Inmate ID or AO#

Silver Bow Detention
Facility of Incarceration

155, W, QUARTZ, ST
Address of Facility

Butte mt -59701-
City State Zip

FILED

JUN 20 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]

Charles J Caplette
NAME

PETITIONER,

v.

Petition for Writ of
Habeas Corpus

CART. Ray Vaughn, Warden
NAME OF WARDEN/FACILITY ADMINISTRATOR,

RESPONDENT.

I, Charles J Caplette, 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.

☐ 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.

1.) Mrs. Eleanor Maloney & Private Investigator Mrs. Young Tried intimidation & bullying myself. Threatening with New charges 8 months ago. (Refer to the 2 letters attached from the Public Defenders office).

2.) Being held illegally by Means of Excessive Bail. My inadequate and ineffective Counsel has not had one single Bail or Bond reduction hearing since my incarceration of 8-11-2023 to present.

3.) Access to the Courts have been violated No paper work was filed for Evidence to Prove Innocence. Such as Video Cameras, GPS navigation of the False Reporters' Vehicle also Referred to as (Law Jack).
Verifying Location of Said Person during Said Report.
Access to the Courts have been violated also by means of Tolling the Time Limit. *Fogle v. Person*, 439 F.3d 1252, 1258-59 (10th Cir. 2006); *Akins v. U.S.*, 204 F.3d 1252, 1258-59 (10th Cir. 2006) 1089-90 (11th Cir. 2000).

4.) Rights Independently Protected by the Constitution Constitutionally deprived of liberty...

S.) 14th Amendment has been violated I have not been represented by Equal Protection of law.

ec) To Sum up My Complaint. To my Understanding of Marshalling the Facts

1. Hear Say 45-7-205

2. Speedy trial 46-13-401

[Use extra pages if necessary]

p. 3 of 5

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:

Equal & Proper Representation of Counsel
I would like an OR, Release on Own Recognizance
Case dismissed on Hearsay.

VERIFICATION

STATE OF MONTANA)
County of Silver Bow) 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 14 day of JUNE 2024, 2024.

Charles J Caplette
Inmate Signature

Charles J Caplette
Printed Name

CERTIFICATE OF MAILING (SERVICE)

I hereby certify that on _____, 20 24, 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]

Charles J Caplette
[Signature]

Charles J Caplette
[Print name]