



ORIGINAL

FILED

08/21/2024

FILED

Bowen Greenwood
CLERK OF THE SUPREME COURT
STATE OF MONTANA

Case Number: OP 24-0495

AUG 21 2024

Bowen Greenwood
Clerk of Supreme Court
State of Montana

MATTHEW MARK LAForge
Inmate Name

2044062
Inmate ID or AO#

CROSSROADS CORRECTIONAL CENTER
Facility of Incarceration

50 CROSSROADS DRIVE
Address of Facility

SHELBY, MT 59474
City State Zip

IN THE SUPREME COURT OF THE STATE OF MONTANA

No. OP 24-0495
[The Clerk of Court will assign a number]

MATTHEW MARK LAForge,
NAME

PETITIONER,

v.

Petition for Writ of
Habeas Corpus

WARDEN D.J. GODFREY,
NAME OF WARDEN/FACILITY ADMINISTRATOR,

RESPONDENT.

I, MATTHEW MARK LAForge, 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.

SELF REPRESENTED MATTHEW MARK LAForge,
PETITIONS THIS HONORABLE COURT THE WRIT OF
HABEAS CORPUS, "CHALLENGING THE PROPER CREDITING
FOR TIME SERVED." KILLAM V. SALMONSEN, 2021
MT 196, ¶12, IN CAUSE NO. DDC 2010-248, FROM
FIRST JUDICIAL DISTRICT COURT LEWIS AND CLARK
COUNTY, (SEE ATTACHED JUDGMENT FILED 10/04/23,
1-4 PGS.) LAForge IS A NATIVE AMERICAN PETITIONER
WHO HAS BEEN INCARCERATED SINCE 2010 IN
CAUSE NO. DDC 2010-248 WHO HAS NEVER BEEN ABLE
TO HAVE THIS CONVICTION TO BE ABLED TO BE

DISCHARGED AFTER 14 YEARS. LAFORGE ADMITS THAT HE HASN'T BEEN THE MOST COMPLIANT PROBATIONER. (SEE SEE ATTACHED MDOC PROBATION AND PAROLE REPORT) PAGES 1-4) HOW EVER IN THIS INSTANCE THE AMENDED JUDGMENT REVOCATING LAFORGES SUSPENDED SENTENCE DOES NOT ACCOUNT FOR STATE THE DENIAL OR GRANTING OF STREET TIME CREDIT AS REQUIRED BY, 46-18-203 (7)(b), MCA(2017) STATE V. JARDEE, 2020 MT 81, ¶ 11, "A DISTRICT COURT MUST STATE THE REASON FOR A DENIAL OF CREDIT BASED UPON THE RECORD..." LAFORGE ADMITTED TO USING ALCOHOL AND MARIJUANA ON JUNE 2ND 2017 AND CONCEDES THAT HE IS NOT ENTITLED FOR CREDIT FOR THAT DAY AND HE IS NOT ENTITLED FOR CREDIT ON JUNE 3RD 2017 WHEN HE WAS ARRESTED FOR A PFMA, (SEE pg. 3 OF MDOC REPORT) HENDRICKSON V. SALMONSEN, 2024 LEXIS 746, *2. "AS HIS PROBATION RECORD INDICATE SOME VIOLATIONS... ON CERTAIN DATES..." HENDRICKSON *2 THE JUDGMENT DOES NOT REFLECT THE GRANTING OR DENYING OF STREET TIME CREDIT AND MUST BE REMANDED, AND LAFORGE IS ENTITLED TO CREDIT FOR TIME SERVED ABSENT JUNE 2ND-3RD, 2017.

[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:

CREDIT WAS NOT ISSUED IN CAUSE No. DDC 2010-248
AS MANDATORILY REQUIRED BY 46-18-203 (7)(b),
MCA (2017) AS HELD IN JARDEE # 11, AND HENDRICKSON
* 2 AND IS ENTITLED TO BE RESENTENCED.

VERIFICATION

STATE OF MONTANA)
County of TOOLE) : 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 18th day of August, 2024.

Matthew Laforge
Inmate Signature

MATTHEW MARK LAFORGE
Printed Name

CERTIFICATE OF MAILING (SERVICE)

I hereby certify that on August 18th, 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]

Matthew Mark LaFarge
[Signature]

MATTHEW MARK LAFARGE
[Print name]