

Timothy E. Peterson
#3017027
700 Conley Lake Road
Deer Lodge, MT 59722

FILED

08/28/2024

Bowen Greenwood
CLERK OF THE SUPREME COURT
STATE OF MONTANA

Case Number: OP 24-0511

FILED

AUG 28 2024

Bowen Greenwood
Clerk of Supreme Court
State of Montana

IN THE MONTANA SUPREME COURT

Timothy E. Peterson,
Petitioner,

V.

The Montana Thirteenth Judicial
District Court,
Yellowstone County,
Respondent.

Cause No:

OP 24-0511

PETITION FOR WRIT OF
SUPERVISORY CONTROL
MONT.R.APP.P. 14

Comes now, Petitioner Timothy E. Peterson and would move this Honorable Court for a Writ of Supervisor Control from the Montana Thirteenth Judicial District Court, Yellowstone County in Cause Number DC 13-0884, motion for Summary Judgment to vacate the judgment of the State of Montana for Lack of Subject Matter Jurisdiction.

Peterson's motion for Summary Judgment was filed on June 12th, 2024, (see exhibit A and E) and the Yellowstone County Attorney was served on June 13th, 2024; Peterson's reply to the State of Montana's non-response to motion for Summary Judgment was filed on July 11th, 2024, (see exhibit B and E) and the Yellowstone County Attorney was served on July 9th, 2024; Peterson's motion for Summary Judgment

Hearing was filed on July 31, 2024, (see exhibit C and E), and the Yellowstone County Attorney was served on July 23rd, 2024; Peterson's motion for Resolution and Notice for filing Writ of Supervisory Control to the Montana Supreme Court was filed on August 13th, 2024, (see exhibit D).

Timothy Peterson has complied with Mont.R.Civ.P. 56.

The State of Montana concedes, there is no genuine dispute as to any material fact and Timothy Peterson is entitled to judgment as a matter of law. (M.R.CIV.P. 56(E)(2)), (see exhibit B). Timothy Peterson has shown by the court docket record, there is no genuine dispute as to any material fact and Timothy Peterson is entitled to judgment as a matter of law; the record speaks for itself.

As of the 23rd day of August, 2024 the Thirteenth Judicial District Court, Yellowstone County has not ruled in this case and has abused its' discretion with this delay.

Burrus v. Mont. First Judicial Dist. Court, 2020 MT 14

HN4-Supervisory Control is an extraordinary remedy that may be invoked when the case involves purely legal questions and urgent or emergency factors make the normal appeal process inadequate. Mont.R.App.P. 14(3).
The case must meet one or more of three additional criteria:
(a) the other court is proceeding under a mistake of law and is causing a gross injustice;
(b) constitutional issues of state wide importance are involved; or (c) the other court has granted or denied a motion for substitution of a judge in a criminal case, Mont.R.App.P. 14(3)(a)-(c).

Lack of Subject Matter Jurisdiction is an extraordinary circumstance that is a structural error that requires reversal.

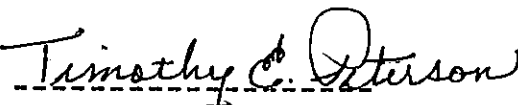
The 13th Judicial District Court proceeded under a mistake of law and caused a gross injustice to Peterson, violating Peterson's Montana Constitutional laws and Statutes of Montana as well as the United States Constitutional Rights to due process of the law and equal protection of the law.

Peterson's motion for Summary Judgment involves purely legal questions and urgent or emergency factors to protect the fairness, integrity, and public reputation of the Thirteenth Judicial District Court, and the judicial process of the State of Montana.

Summary Judgment Must Be Granted, M.R.CIV.P. 56. (see exhibit A-E).

Timothy E. Peterson moves this Honorable Court for a Writ of Supervisory Control.

Respectfully Submitted on this 23rd day of August , 2024.



Timothy E. Peterson

CERTIFICATE OF SERVICE

I certify that I filed this

- Petition for Writ of Supervisory Control Mont. R. App. P. 14
 Motion
 Other _____
[Name of document]

with the Clerk of the Montana Supreme Court and that I have mailed or hand delivered a copy to each attorney of record and any other party not represented by counsel as follows:

The Montana Attorney General
[Name of opposing counsel]
215 N. Sanders Street

P.O. Box 201401, Helena, MT. 59620-1401
[Address]

Counsel for The State of Montana

The Yellowstone County Attorney
[Other party representing himself or herself]
217 N. 27th Street, Rm. 701

P.O. Box 35025, Billings, MT. 59107-5025
[Address]

DATED this 23rd day of August, 2024.

Timothy E. Peterson
[Signature]

Timothy E. Peterson
[Print name]

