

Tyler Rafferty
700 Conley Lake Rd.
Deer Lodge, Mt. 59722

FILED

10/18/2024

Bowen Greenwood
CLERK OF THE SUPREME COURT
STATE OF MONTANA

Case Number: OP 24-0617

IN THE SUPREME COURT OF THE STATE
OF MONTANA

* * * * *

FILED

OCT 18 2024

Bowen Greenwood
Clerk of Supreme Court
State of Montana

TYLER RAFFERTY
Plaintiff,

V.

JIM SALMONSEN,
Respondent.

Cause No.:

PETITION FOR WRIT OF
HABEAS CORPUS

I, _____, am representing myself,
and I believe that I am entitled to a Writ of
Habeas Corpus under § 46-22-101, MCA.

The Petitioner was released from prison on Dec.
17, 2019, and was later arrested on Oct. 28, 2022,
and spent 31 days in Dawson County before posting
bond. The Petitioner was out until his sentencing on
his revocation (DC-2015-034), on March 15, 2023;
which is a total of 138 days. The Petitioner spent 48
days in Rosebud County following his revocation
sentencing in Dawson County on a charge of unauthorized
possession of a Firearm by a convicted person (DC-22-036).

The total days at that point would be 186, yet
the Petitioner was only given 89 days credit for the
possession charge & 27 days plus 2 years (730 days) credit
for his revocation. Meaning I wasn't credited 111 days
on DC-2015-034 (Rosebud County) and 97 days on
DC-22-036 (Dawson County).

Montana law regarding credit for time served
states in part that a person incarcerated on a bailable
offense against whom a judgement of imprisonment
is rendered must be allowed credit, for each day of
incarceration prior to or after conviction, except

that each day of incarceration given as a credit may not exceed the term of the prison sentence rendered. Mont. Code Ann. §46-18-403. Calculating credit for time served is not a discretionary act, but a legal mandate. A district court may not decide to withhold credit in anticipation that credit may be given in a subsequent sentencing. Once a judgement of imprisonment has been entered for a bailable offense, a person is entitled to credit for each day of incarceration prior to and after the conviction Mont. Code Ann. §46-18-403(1).

CLOSING

The Petitioner PRAYS Court GRANT the above credit for time served.

Respectfully signed this 10th day of October, 2024

By: *Tyler Rafferty*
Tyler Rafferty

CERTIFICATE OF SERVICE

I hereby swear that I mailed a true and accurate copy of this Writ to the State of Montana Attorney General, postage prepaid, on the below listed date:

Signed this 10th day of October, 2024

By: *Tyler Rafferty*
Tyler Rafferty