

FILED

10/31/2024

Bowen Greenwood
CLERK OF THE SUPREME COURT
STATE OF MONTANA

Case Number: OP 24-0647

Ryan Barkley
Inmate Name

3015498
Inmate ID or AO#

Missoula County Detention Facility
Facility of Incarceration

2340 Mullan Rd
Address of Facility

Missoula MT 59808
City State Zip

FILED

OCT 31 2024

Bowen Greenwood
Clerk of Supreme Court
State of Montana

IN THE SUPREME COURT OF THE STATE OF MONTANA

No. OP 24-0647
[The Clerk of Court will assign a number]

Ryan Barkley
NAME

PETITIONER,

v.

Sheryl Zielger/Hash
NAME OF WARDEN/FACILITY ADMINISTRATOR,

RESPONDENT.

Petition for a Writ
of
Habeas Corpus

I, Ryan Barkley, am representing myself, and I
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 *either* good time *or* street 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.

Count 1
DC-20-473. 2021 plea agreement
binding, agreement between my 2
Attorneys ^{Name?} Ryan Archibald, ^{Name?} Melony
^{Name?} desure, she works @ Bitterroot law in Hamilton
Megan Paddock. Prosecuting Attorney
Witness: Preston Davis Private investigator
Plea agreement 6 month ^{1st} assault, ^{1 yr} 2nd assault, @ sentencing
time served released to Probation. Stocking 5 Doc suspended
^{consult with me} Archibald, & Melony Megan Erred Not Noted in Plea
^{attorney room #1 MCDK} Time Served @ Sentencing, Release to probation.
Archibald @ this time Confirmed with Paddock,
error will be fixed before Sentencing/Hearing.

Sentencing Oct 5th 2021 Melony told me refrain my
self from speaking about time served. Paddock refrained
her self. Marks sentence 18 months Jail time. Verbal agreements ^{"Binding Plea"}
broke. Barkley bullied/forced, as is. ^{Count 2} Marks Question
State why should he except Binding Plea. State Response
"No Victim" Barkley forced/Duress into Plea with No Alleged
Victim. ^{To testify} Case should of been dismissed. Archibald
^{under oath} placed Barkley Duress asked Barkley to Agree to fabricated
assault charges, and a Stocking. ^{Count 3} Marks illegal
Sentence - appealed and won. forced to register
for Misdemeanor charges. forced to have GPS
monitor upon release from 18 month jail sentence, forced
unlawful treatment. No violent offender. 2024 MCDP
50,000 bond for P+P Rev. accessive. Barkley Pro'se
OPD fired ineffective. Marks Retaliation 3-1-805 Filled Oct
25 3pm after Objection "Failure to appear on State" Marks
changed Date & time Less 24 hr. Notice with No Counsel
@ Set hearing 10-25-24 10am. Retaliation Mike Hope
P+P Kalispell, Revocation, Barkley complaint No. DR-24-248
order of protection. P.O. + POII on complaint Danni Coffman
Denied. NO Hearing. Barkley was NOT informed.

[Use extra pages if necessary]

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By Probation and Parole about the PPD6.3.405
Complaints Procedure. As a matter of fact Mike
Hope Lied on OMIS Records stating Barkley showed
him a Complaint Form. Had I Known about
a complaint Form! 100% I would have Filled
it out, Inaccount of the work I put into the
Order of Protection speaks for it's self,
Obviously All this was pushed under a rug.
Including the 3 phone messages I Left Noted
in OMIS Records of Duress to the Head P+P
OFFICE in Helena that was Informed to me
from my visit to the FBI Head quarters in
Kalispell from my Fear of Retaliation. I
Attended FVCC college to protect my self ^{criminal} Justice
& learn. FVCC Denied my Financial Aid
and summer semester from speaking with
Mike Hope. "Protected Activity" Hand Fulls of ^{broke}
Rules, Violations from Mike Hope performed
according to "Department of Correction's
probation and Parole Division operational Procedure"
Including 2 motions/subpoena DC-20-473
Jason Marks + Andrea Haney Prosecutor for
investigation of Fabricating evidence, and
wrongful search and seizure. Mike Hope
is in Conflict from DR-24-248 and PPD6.3.405
complaints procedure, bringing to Light DC-20-473
Revocation petition be Not active asking
for dismissal. Retaliation - PPD 6.3.405

a significant adverse act taken against an offender, because the offender has opposed any forbidden discriminatory practices or has filled a complaint. From 2/9/93 act those

would dissuade a reasonable person from engaging in protected activity. There was never a hearing for any of these complaints. I felt so in fear and my rights violated that I was scared to report alone so I requested a mediator, which Michael Hope evaded from OMS

which is against procedure on OMS procedures PPD. 6. also fabricating that text message in discovery for court evidence hearing. PPD. procedures for such acts require termination or violations, sanctions.

I am & have been at M/CDP for over 90 days, my rights violated, can not protect myself, no help, jail is keeping me from my prose acquirements court ordered and excessive bail 50,000 for alleged violation from Mike Hope. I request to be released to pretrial services or case dismissed please.

Marks Denied OR & Bail reduction & ignored my Bail reduction Motion, excusing it for a hearing on ineffective counsel where the bailiff pushed the mute button and forced me out of court. Please help me I am at a loss, with retaliation everywhere and

been forced to a self protection status.

I been in contact with Alicia Rapcock
Kalispell OPD office who was helping me
the whole way she went over my order of
protection filled to District Court, &
worried about retaliation. She told me
to keep filling it but I was in fear.

My 30 day jail sanction + 90 day ankle
monitor + VA sanction was from a trespass
dismissed and witness/owner trespass charge
told prosecutor Tyson-Kalispell that I never
trespassed and was invited in. JP never
even performed investigation, & just forced
me to sign sanction or threaten me to
go in front of a judge.

This is Not Fair I had zero dirty
VA + No violation 86 days on GPS
until I found out Brittany Osney admitted
to prosecutor the truth. I lost so much
\$20000 my business partner my home, cards
Forced Homeless. Protected Activity - Self Defense
Please Help Thank You

Note Lack of
Help For Documents
For this writ, No

Assistance available 10-27-24
Lyson B. M.

MCDF Denial of FAI, subpoena Smart Communications
Halo Noddy Government / insiva Mm Copies
Tablet Documents

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:

Dismiss case DC-20-473
Release to Pretrial or OR
Mike Hope Held accountable
Jason Marks Held accountable
MCDF Held accountable

VERIFICATION

STATE OF MONTANA)

County of Missoula) ss. 516-13-3563

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 27 day of October, 2024.

Ryan Barkley
Inmate Signature

Ryan Barkley
Printed Name

CERTIFICATE OF MAILING (SERVICE)

I hereby certify that on October 27, 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

Missoula County Attorney (see INSTRUCTIONS #9)
[Write name of County]

Andrea Haney

Missoula County Attorney

200 Broadway

Ryan Barkley
[Signature]

Ryan Barkley
[Print name]