

FILED

12/06/2024

Bowen Greenwood
CLERK OF THE SUPREME COURT
STATE OF MONTANA

Case Number: OP 24-0711

Paul L Campbell

INMATE NAME

2098657

INMATE ID NUMBER

Montana State Prison

NAME OF FACILITY WHERE INMATE IS INCARCERATED

700 Conkey Lake Rd.

ADDRESS OF FACILITY

Deer Lodge MT. 59722

ADDRESS Continued

FILED

DEC - 6 2024

Bowen Greenwood
Clerk of Supreme Court
State of Montana

Petitioner Pro Se PC

IN THE SUPREME COURT OF THE STATE OF MONTANA

No. OP 24-0711

[The Court will assign a number]

<p><u>Paul L Campbell</u> INMATE NAME</p> <p>PETITIONER,</p> <p>VS.</p> <p><u>Jim Salamon, Warden</u> NAME OF WARDEN/FACILITY ADMINISTRATOR</p> <p>RESPONDENT.</p>	<p>PETITION FOR WRIT OF HABEAS CORPUS</p>
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COMES Now Paul Campbell [Name of Inmate] and Petitions the Montana Supreme Court for immediate or sooner release under Mont. Code Ann. § 46-22-101, et. seq. I believe I am eligible for immediate or sooner release from my confinement because [check appropriate box]:

The Department of Corrections has calculated my parole eligibility or discharge date incorrectly.

I believe the Parole Board should have granted me a parole AND the Board violated my Due Process rights.

I am being held in jail and I believe my bail is excessive.

I believe I am entitled to more credit for jail time than I received.

I believe my sentence is illegal because:

I was sentenced after April 28, 1999, and I received a sentence of more than 5 years that was not suspended to the Department of Corrections.

The court's sentence violated double jeopardy.

The length of my sentence is longer than the law allows.

Other reason I am being held illegally and the Court should grant my immediate or sooner release.

Use the next pages to tell the Court the facts and circumstances about the reason you believe you are entitled to immediate or sooner release. Be specific. Attach any documents that help make your case.

Campbell's case DC-45-44 is illegal because of Structural
Error. Campbell for the convenience of this Court has set
forth the Order Granting leave [A] and [B] shows clearly
A structural Error and its defect that effects the
frame work within which the trial proceects are to
happen. 1st in A a felony charge 45-4-403 under
MCA law is not even any place in the the laws,
and

in [A] dated March 15 2005 was done in Court
#2 In which was Jeffrey H. Langton the see
[B] filed March 22 2005 in Hon. James A. Haynes
Court are both sign for by the secretary in
which its only the "Judge" that shall grant
"leave to file the information." It Petitioner believe
that Campbell's his Mt. Constitutional Sections
11, 17, 20, and this Court has authority under
Art 11, section 20, 19, 11, 16, ~~11~~.

So if the the leave to file information
is found to be void. for a case of Structural
error Campbell respectively states this is not
harmless error and his case the should be
automatically reversed.

For Mont. Case LAW Reels that type of
error that affects the frame work within which the
trial proceeds than can be automatically
reversible.

Campbell would ask for the Court

to overturn and seal this case and to
give Order to release.

Authority: 410-11-201 Leave to file Information

Structural Error: State v. Van Kirk, 7001 MT 184
Arizona v. Fulminante (1991), 499
U.S. 279, 310, 111 S. Ct. 1246, 1265,
113 L. Ed. 2d 302, 331

United States v. Padilla, 415 F.3d
24, 219, (9th Cir. 2005) (quoting)
Fulminante, 499 U.S. at 310

Rose v. Clark, 478 U.S. 570, 577-78
106 S. Ct. 3101, 92 L. Ed. 2d
466 (1986)).

Paul Campbell

VERIFICATION

STATE OF MONTANA)
County of Powell County : ss.

I swear that I wrote this petition for habeas corpus myself. I believe I am being incarcerated illegally. I know of my own knowledge that everything in this petition is true.

DATED this 2 day of Dec., 24.

Paul Campbell

Inmate Signature

Paul Campbell

Inmate Printed Name