

IN THE SUPREME COURT OF THE STATE OF MONTANA

OP 24-0727

FILED

DEC 31 2024

Bowen Greenwood
Clerk of Supreme Court
State of Montana

PAUL CAMPBELL,

Petitioner,

v.

ORDER

JIM SALMONSEN, Warden,
Montana State Prison,

Respondent.

Paul Campbell returns to this Court with a Petition for Writ of Habeas Corpus, alleging “structural error” within his charging document, or Information, in his criminal case. Campbell contends this error requires reversal because such use would dictate a civil proceeding, not criminal, “as defined by Congress and by Constitutional Law out of the Supreme Court of the United States[.]” He cites to several cases dating back to the 1700s, and contends he is illegally incarcerated.

This Court has previously entertained and denied similar claims raised by Campbell. *See Campbell v. Salmonsens*, No. OP 24-0711, Order (Mont. Dec. 23, 2024) (*Campbell VII*); *Campbell v. Salmonsens*, No. OP 24-0226, Order (Mont. Apr. 23, 2024) (*Campbell VI*); *Campbell v. Salmonsens*, No. OP 23-0602, Order (Mont. Oct. 24, 2023) (*Campbell V*); *Campbell v. Laughlin*, No. OP 15-0175, Order (Mont. Apr. 7, 2015) (*Campbell IV*); *Campbell v. Laughlin*, No. OP 14-0532, Order (Mont. Aug. 26, 2014) (*Campbell III*); *State v. Campbell*, No. DA 14-0218, Order denying his petition for an out-of-time appeal (*Campbell II*); and *Campbell v. Frink*, No. OP 12-0598, Order (Mont. Oct. 23, 2012) (*Campbell I*). Campbell has previously challenged structural error in his conviction as well as the commencement of prosecution. *Campbell III*, *Campbell V*, and *Campbell VII*. We have stated he is precluded from raising such claims when he has exhausted the remedy of appeal. *Campbell I*, *Campbell III*, *Campbell IV*, and *Campbell VI*. Campbell is not entitled

to habeas corpus relief with his instant Petition. Sections 46-22-101(1) and (2), MCA.

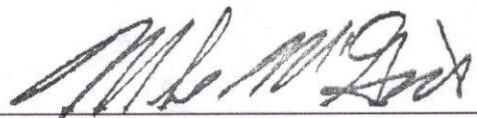
In a December 23, 2024 Order, this Court warned Campbell to refrain from further filings in seeking habeas corpus relief. *Campbell VII*, at 2. Therefore,

IT IS ORDERED that:

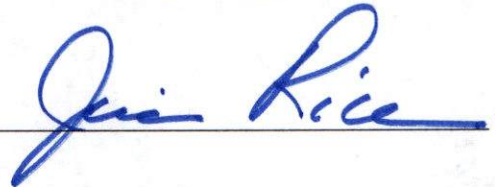
1. Campbell's Petition for Writ of Habeas Corpus is DENIED and DISMISSED;
2. henceforth, prior to filing any original petition with this Court, challenging his 2005 conviction or sentence, Campbell is directed to file a motion for leave to file the petition. The motion for leave must be sworn under oath, not exceed three pages in length, and make a preliminary showing that the petition has merit and meets the criteria to state a prima facie case under M. R. App. P. 14(5). Only when this Court has reviewed the motion and issued an order granting leave to file may the Clerk of this Court file the petition. Any other original petition Campbell seeks to file shall be rejected and the Clerk shall inform Campbell accordingly; and
3. this matter is CLOSED as of this Order's date.

The Clerk is directed to provide a copy of this Order to counsel of record and to Paul Campbell personally.

DATED this 31st day of December, 2024.



Chief Justice



Dick M. Sandberg

Justices