

FILED

03/03/2025

Bowen Greenwood
CLERK OF THE SUPREME COURT
STATE OF MONTANA

Case Number: OP 25-0168

Michael A. Buck

Inmate Name

AO 26520

Inmate ID or AO#

Lake County Detention

Facility of Incarceration

106 4th Ave East

Address of Facility

Polson, MT 59860

City

State

Zip

FILED

MAR 03 2025

Bowen Greenwood
Clerk of Supreme Court
State of Montana

IN THE SUPREME COURT OF THE STATE OF MONTANA

No. OP 25-0168

[The Clerk of Court will assign a number]

Michael A. Buck

NAME

PETITIONER,

Petition for a Writ
of
Habeas Corpus

v.
Sheriff Don Bell

NAME OF WARDEN/FACILITY ADMINISTRATOR,

RESPONDENT.

D.A. James Lepotka

I, Michael A. Buck

[Name of Inmate]

, 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.

A

☒ 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 good 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.

I'm entitled due to,
Prosecution failed to disclose the
original sentence that began on
1-3-2019 of 5yrs to DOC with
2yrs suspended; sentenced on (7-31-2019).
(208 dys Credit)
3yrs DOC was completed on
1-3-2022

• I was Constitutionally Biased by
District Atty James Lepotko by:

p. 2 of 5

Due Process Violation by non-Disclosure
of superseding cause of Inherent Right,
Conflict of Personal Laws by
Ignorance of being within the
Boundaries of the Flathead Indian
Reservation (Lake County) that's under
the agreement Public Law 280 (1963)
and the Petitioner, an enrolled Tribal
member (008972) also still retains
his Federal status under the rules
of the Federal Statute.

(PL 280 included)

- PL 280 clearly states, "Within Reserva-
tion boundaries, Tribal members are
exempt from Municipal laws, (Federal Body),
This pertains to Optional States,
MT & Alaska. (Page II, Ronan PD)"
- Petitioner brings forth "Constitutional
challenge"

District Atty James Lepotka used his-

[Use extra pages if necessary]

p. 3 of 5

As relief, I request the following:

Office & Position in a vindictive act by:

Document Page XII: October 19, 2022

Converting penalty from 5 yrs w/ 2 yrs susp.
Done this 31st day of July 2019 (Page VI)

To: 3 yrs, less credit, extending sentence
Over the Maximum of 5 yrs, to
6 yrs completed on January 3, 2025

Petitioner also brings forth Bailiwick Law
Due to Lake County Officials practice their
Official Positions of not being limited by
Federal Public Law 280, as well as being
limited by their Geographical limitations
of being within Reservation boundaries
in a complex legal environment.

- Before the fact of November 16, 2022 of
being sentenced to an illegal structure change
Page XIII to 3 yrs suspended,
- Superseding Cause, overrides current structure
of 3 yrs suspend, back to 2 yrs suspended

- The correction of error will effect the past error committed on October 19, 2022,
- signed by Honorable Molly Owen
- signed by District Atty James Lapotka
- Petitioner Michael A. Buck, Attest the discretionary review will correct the error and allow:

Cause No. DC-19-13 to be completed and discharged due to original error by the Lake County Courts

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:

Discharge cause number
Lake County DC-19-13
Due to Constitutional
Limitation.

VERIFICATION

STATE OF MONTANA)
County of Lake) ss.

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 23 day of February, 2025.

Michael A. Buck
Inmate Signature

Michael A. Buck
Printed Name

CERTIFICATE OF MAILING (SERVICE)

I hereby certify that on February, 2025, 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

Clerk of Supreme Court

P.O. Box 203003

Helena, MT 59620-3003

or

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

James Lapotka

106 4th Ave E

Polson, MT 59860

Michael A. Buck
[Signature]

Michael A. Buck
[Print name]