

ORIGINAL

FILED

03/04/2025

Bowen Greenwood
CLERK OF THE SUPREME COURT
STATE OF MONTANA

Case Number: OP 25-0129

IN THE SUPREME COURT OF THE STATE OF MONTANA

OP 25-0129

FILED

MAR 04 2025

Bowen Greenwood
Clerk of Supreme Court
State of Montana

JORDAN AHENAKEW,

Petitioner,

v.

ORDER

JESSE SLAUGHTER, WARDEN,

Respondent.

Jordan Ahenakew has filed a Petition for Writ of Habeas Corpus, indicating illegal incarceration and requesting relief by “dismiss[ing] the escape charge because [his] right for bail was violated and [he] was falsely incarcerated over this matter for 10 month[s.]”

Ahenakew explains that on December 30, 2022, the State filed an escape charge against him in Powell County. He maintains that he was entitled to be admitted to bond at his initial appearance, but that did not occur. He states that he was transferred to Cascade County where he was appointed counsel who did not seek his release until October 20, 2023. Ahenakew concludes that “the State wrongfully held [him] in custody without [a] legal right to do so” Ahenakew does not provide any supporting documentation.

This Court is familiar with Ahenakew and his 2022 escape charge. In a January 17, 2023 Order, this Court denied his petition for habeas corpus relief, where he “explain[ed] that the charge of escape should be dismissed because he did not leave the county and he turned himself into authorities.” *Ahenakew v. Salmonsens*, No. OP 22-0749, Order (Mont. Jan. 17, 2023) (*Ahenakew I*). He put forth that he wanted to see his kids. Ahenakew did not provide this Court with much background, and we stated that he should communicate with counsel about any claims giving rise to the escape charge, “if he were to face charges in a District Court.” *Ahenakew I*, at 2.

Available electronic records indicate that the State charged Ahenakew with felony escape after he failed to report to the Great Falls Pre-Release Center following a grant of

temporary leave on November 5, 2022. The State later moved to transfer the case after stipulating to defense counsel's objection to venue. On June 8, 2023, the Powell County District Court transferred the criminal case to the Cascade County District Court. We secured copies of the register of actions and pertinent documents; it appears that the case is still open in the Cascade County District Court.

Ahenakew is not entitled to the dismissal of an escape charge in a habeas corpus proceeding. Montana law provides that "[a] person subject to official detention commits the offense of escape if the person knowingly or purposely eludes official detention or fails to return to official detention following temporary leave granted for a specific purpose or limited time." Section 45-6-307(2), MCA. For Ahenakew, official detention means placement of a person "in legal custody of . . . the State as a result of supervision while under a supervised release program[.]" Section 45-6-307(1)(a)(v), MCA." A valid reason exists for Ahenakew's escape charge.

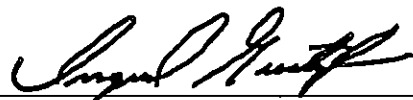
We conclude that Ahenakew has not demonstrated illegal incarceration. Section 46-22-101(1), MCA. Ahenakew has not shown that he was incarcerated in jail the entire time of ten months or that admittance to bond was relevant when he had another sentence to serve. He most likely was returned to prison after he was apprehended. According to a January 3, 2023 minute entry, Ahenakew appeared from the Montana State Prison for his initial appearance and arraignment after his arrest. Therefore,

IT IS ORDERED that Ahenakew's Petition for Writ of Habeas Corpus is DENIED and DISMISSED.

IT IS FURTHER ORDERED that 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 Jordan Ahenakew personally.

DATED this 4th day of March, 2025.



James H. Brown
James M. Brown

Katherine M. Fitzgerald

Jim Rice
Justices