

ORIGINAL

FILED

03/04/2025

Bowen Greenwood  
CLERK OF THE SUPREME COURT  
STATE OF MONTANA

Case Number: OP 25-0128

IN THE SUPREME COURT OF THE STATE OF MONTANA

OP 25-0128

FILED

MAR 04 2025

Bowen Greenwood  
Clerk of Supreme Court  
State of Montana

RODERICK KALE LEDFORD,

Petitioner,

v.

ORDER

JESSE SLAUGHTER, Sheriff, Cascade  
County Sheriff's Office,

Respondent.

Roderick Kale Ledford petitions this Court for habeas corpus relief, indicating that the Department of Corrections (DOC) has incorrectly calculated his sentence, which illegally extends his parole eligibility or discharge date. Ledford is currently incarcerated in the Cascade County Detention Center.

Ledford contends that his sentence is illegal, violating his right to be free from double jeopardy. Ledford asserts:

D.O.C. ran my 4 year suspended sentence consecutive to a 3 year [deferred] that was revoked and became the 4 year suspended. The 3 year [deferred] had 2 possession charges that were [run concurrent] and only 1 was [run] on the revocation leaving 1 that I never signed for my 4 year to run consecutive to."

Ledford concludes that his incarceration is illegal.

A petitioner, such as Ledford, has the burden of proof or persuasion that a writ should issue. *Miller v. Eleventh Judicial Dist. Ct.*, 2007 MT 58, ¶ 14, 366 Mont. 207, 154 P.3d 1186. Ledford has not met his burden. He has not provided a sentencing judgment, a court name, or a sentence calculation.

Although Ledford has not demonstrated a prima facie case, we grant him some latitude as a self-represented litigant and have reviewed available electronic records

regarding his relevant history. The records indicate that in 2019, Ledford had two criminal cases, both originating in the Eighth Judicial District Court, Cascade County. On July 31, 2019, Ledford appeared with counsel for sentencing after he had entered a guilty plea to felony criminal possession of dangerous drugs. The District Court deferred imposition of sentence to the DOC for a term of three years and awarded fifty-two days of credit for time served. On September 30, 2019, the District Court sentenced Ledford in a separate case for felony criminal possession of dangerous drugs to the DOC for a suspended, four-year term with credit for 100 days of time served. On October 23, 2019, the District Court held a disposition hearing on Ledford's first case on the State's Petition for Revocation of his deferred sentence. The District Court revoked his deferred sentence and sentenced him to the DOC for a suspended, three-year term, pursuant to § 46-18-203(7)(a)(iii), MCA (2019).

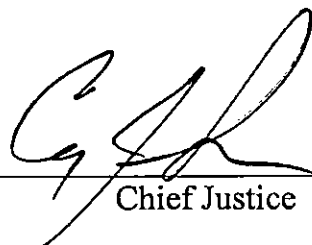
Ledford's sentence is valid. A court may revoke a deferred imposition of sentence and impose any sentence under Montana law and statutes. Section 46-18-203(7)(a)(iii), MCA. Ledford's sentence upon revocation does not violate the right to be free from double jeopardy. *State v. DeWitt*, 2006 MT 302, ¶ 10, 334 Mont. 474, 149 P.3d 753. The District Court did not state how the two sentences were to run relative to each other; therefore, the sentences run consecutively by default. Section 46-18-401(4), MCA. Ledford is serving a total suspended sentence of seven years, minus the credit for time served.

Ledford has not demonstrated an illegal sentence or illegal incarceration. Section 46-22-101(1), MCA. The DOC has not incorrectly calculated his sentence. Accordingly,

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

The Clerk is directed to provide a copy of this Order to counsel of record and Roderick Kale Ledford personally.

DATED this 4<sup>th</sup> day of March, 2025.

  
\_\_\_\_\_  
Chief Justice

James J. H. Brown

Katherine M. Bidegaray

Peter Brown

Angela J. Smith  
Justices