

ORIGINAL

FILED

03/12/2025

Bowen Greenwood
CLERK OF THE SUPREME COURT
STATE OF MONTANA

Case Number: OP 25-0193

FILED

MAR 12 2025

Bowen Greenwood
Clerk of Supreme Court
State of Montana

Lucas Worm

Inmate Name

3016574

Inmate ID or AO#

shelby CCC

Facility of Incarceration

50 crossroads Dr.

Address of Facility

shelby

City

MT

State

59474

Zip

IN THE SUPREME COURT OF THE STATE OF MONTANA

No. OP 25-0193
[The Clerk of Court will assign a number]

Lucas Christian Worm

NAME

PETITIONER,

v.

Petition for Writ of
Habeas Corpus

D.J. Godfrey (warden)

NAME OF WARDEN/FACILITY ADMINISTRATOR,

RESPONDENT.

I, Lucas Christian Worm, am representing myself, and I
[Name of Inmate]
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.

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 *either* good time or street 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 the petitioner is serving a facially invalid sentence for
felony strangulation, out of Yellowstone County.

The case # is DC-19-0787. The court gave me 17 days
credit for time served before sentencing. Those 17 days
credit are the dates of 6/18/2019 through 7/4/2019.

I posted bond on 7/4/2019 until 10/31/2019.

From 10/31/2019 through 11/22/2019 I was incarcerated
in Yellowstone County Jail. I never received credit for

this time served. I posted bond again & was rearrested
5/20/2020. From 5/20/2020 till 4/26/2021 I was incarcerated
in Yellowstone County Jail. I never received credit for

this time served. I posted bond again
4/26/2021 & was rearrested 5/16/2021.
From 5/16/2021 Till present Day I've been incarcerated.
Now Pursuant to 46-18402 MCA & 46-18-403 MCA
I shall be credited time served for each Day of incarceration
Prior to & After Conviction, Regardless of other cases
being served. Citing Killam V. Salmonson 2021 MT, 196.
I also believe Yellowstone County Violated my Due Process
rights under MCA 46-18-201(9) Citing State V. ~~XXXX~~
Risher
2024 MT, 309

I respectfully request the Court to help with additional records
for this Petition in light of Cheatham V. Salmensen, 2024 Lexis
857
Attached is my time calculation sheet showing
17 days credit & showing proof of incarceration.
I'd ask respectfully you look at my bonds to show
proof of Crime/DC. 19-0787 bonded & Dates bonds revoked

DC. 19-0787 is Ran Concurrent with DC. 14-0977
DC. 14-0977 given 399 days Jail time credit 330 days
street time credit. Then. still sentenced to 2 years & 8 months
on a 3 year sentence. I feel this sentence DC-14-0977 ^{29 days}
to be illegal as length is longer than original sentence length
[Use extra pages if necessary] when credit is applied. however it p. 3 of 5
Proves incarceration Pre sentencing for DC-19-0787.

As relief, I request the following:

- 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:

credit for time served on 10/31/2019 - 11/22/2019
I Just want credit for 5/20/2020 - 4/26/2021
the time I did.
thank you & God Bless. 5/16/2021 - Present Date
this should also plus the 17 days already credited to me
change All my other 6/18/2019 - 7/4/2019
sentences commencement
& Discharge Dates.

VERIFICATION

STATE OF MONTANA)
) : ss.
 County of toole)

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 9 day of March, 25.

Lucas Worm
 Inmate Signature

Lucas Worm
 Printed Name

CERTIFICATE OF MAILING (SERVICE)

I hereby certify that on March 9, 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

or

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

Lucas Worm
[Signature]

Lucas Worm
[Print name]