

FILED

03/20/2025

Bowen Greenwood  
CLERK OF THE SUPREME COURT  
STATE OF MONTANA

Case Number: OP 25-0209

Miles Kingman  
Inmate Name  
3004877  
Inmate ID or AO#  
Montana State Prison  
Facility of Incarceration  
700 Conley Lake Rd  
Address of Facility  
Deer Lodge MT 59722  
City State Zip

FILED

MAR 20 2025

Bowen Greenwood  
Clerk of Supreme Court  
State of Montana

IN THE SUPREME COURT OF THE STATE OF MONTANA

No. OP 25-0209  
[The Clerk of Court will assign a number]

Miles Kingman  
NAME

PETITIONER,

v.

Jim Salmons  
NAME OF WARDEN/FACILITY ADMINISTRATOR,

RESPONDENT.

Petition for a Writ  
of  
Habeas Corpus

I, Miles Kingman, 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 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.

This Court overturned the holdings which made my designation as  
a PFO valid, and invalidates my current PFO designation. In State v Wolf  
2020 MT 24 this court held that § 46-18-501 requires the existence  
of a felony conviction before the commission of the principal offense.  
Notice of intent to seek PFO designation was filed in Gallatin District  
court prior to the conviction of applicable <sup>prior</sup> felonies. I was designated PFO  
on two counts of DODD 45-9-101 MCA in which the commission was months  
prior to the commission of the Aggravated Assault Felony used to  
enhance the sentence, and years prior to the conviction of 45-4-103.  
When notice to seek PFO was filed I had zero convictions for applicable  
46-18-501 MCA felonies. Between the filing of notice, the conviction

of the underlying offense and the sentencing as a PFO I had not been released or allowed to reform my behavior, or given fair notice that continued criminal behavior would result in enhanced sentencing.

Regarding my prior felony convictions from Nevada County California, In September 2001 I was convicted of 3 felonies. I was sentenced to county jail time and probation. California law regards community level supervision as the suspended imposition of sentence. Those sentences expired in February of 2004, outside the 5 year window required by 46-18-501 (I had been released from jail significantly prior to the 2/2004 expiration as well) In 2004 I was convicted of Felony Resisting arrest and sentenced to jail with 5 years probation. The total applicable punishment for resisting arrest is one year in jail. This conviction is non-applicable for enhancement under 46-18-501 as it does not carry a penalty in excess of one year. For the purposes of PFO enhancement my California history is moot, as the DA withdrew his notice of intent regarding these felonies and refiled November 21, 2008 under the assumption I would be convicted of one of the 3 felonies I was held under. A now overturned and improper application of law. State v Wolf 2020 MT 24. Included are the sentencing orders for Aggravated Assault and Distribution of Dangerous Drugs. The Order for DOPP does not specifically state my designation as a PFO, though the oral pronouncement and reasons for sentencing does, as well as the MSP initial Parole Report.

[Use extra pages if necessary]

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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:

Strike my PFO designation and remand to 18th  
District Court for resentencing on two counts of  
Distribution of Deadly or Dangerous Drugs.

VERIFICATION

STATE OF MONTANA

County of Powell

)  
: 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 17 day of March 2025, \_\_\_\_\_.

  
\_\_\_\_\_  
Inmate Signature

Miles Kingman  
\_\_\_\_\_  
Printed Name

# CERTIFICATE OF MAILING (SERVICE)

I hereby certify that on March 17, 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

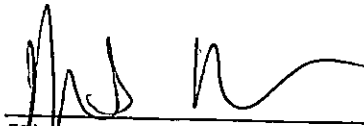
P. O. Box 201401

Helena, MT 59620-1401

or

☐ \_\_\_\_\_ County Attorney (see INSTRUCTIONS #9)  
[Write name of County]

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

  
[Signature]

Myles Kingman  
[Print name]