

ORIGINAL

FILED

03/25/2025

Bowen Greenwood
CLERK OF THE SUPREME COURT
STATE OF MONTANA
Case Number: OP 25-0182

IN THE SUPREME COURT OF THE STATE OF MONTANA

OP 25-0182

STEVEN TODD HOOVER,

Petitioner,

v.

D.J. GODFREY, Warden,
Crossroads Correctional Center,

Respondent.

ORDER

FILED

MAR 25 2025

Bowen Greenwood
Clerk of Supreme Court
State of Montana

Steven Todd Hoover puts forth that he has an unlawful sentence in his Petition for Writ of Habeas Corpus where he contends that “[t]here was never any mention in [his] original, 1995 Sentencing, requiring [him] to register as a sex offender, [nor] was [he] ever given a [Tier] Level.” Hoover explains that after discharging his sentence upon revocation in October 1999 he was informed that he had to sign the documents about registering as a sex offender for the next ten years. Citing to *State v. Hinman*, he asserts that the law to register as a sexual offender “came into effect in July of 1997.” 2023 MT 116, 412 Mont. 434, 530 P.3d 1271.

This Court has heard Hoover’s arguments previously, and we are familiar with his background. On November 30, 1995, the Flathead County District Court imposed a five-year, suspended sentence upon Hoover for felony indecent exposure after having five similar convictions in 1990. In 2019, we denied his petition for habeas corpus relief for the very same claims. *Hoover v. McDermott*, No. OP 19-0298, Order (Mont. Jun. 11, 2019) (*Hoover II*).¹ We explained that the District Court imposed the registration requirement in its written judgment:

¹ For his 1995 sentence, Hoover sought an out-of-time appeal before he sought habeas corpus relief. *State v. Hoover*, No. DA 19-0229, Order denying petition (Mont. Apr. 30, 2019).

In its Judgment and Sentence, the court included the following language as one of the sentencing conditions.

As required by Section 46-18-254, M.C.A., the Defendant is hereby advised of his obligation to register as a sexual offender. More specifically, under Title 46, Chapter 23, Part 5, of the Montana Code Annotated, the Defendant must:

1. Within fourteen (14) days of conviction or release from prison or coming into a County in which he resides or is temporarily domiciled, register with the Chief of Police of the municipality or the Sheriff of the county if he resides in an area other than a municipality;

2. Within ten (10) days of changing residence give written notification of his new address to the law enforcement agency with whom he last registered. Sections 46-23-504 and 46-23-505, M.C.A.

Failure to comply with this requirement is punishable by a maximum fine of \$10,000.00 and by a maximum term of imprisonment of five (5) years. Sections 46-23-506 and 46-23-507, M.C.A.

Failure to comply with this requirement could also result in the revocation of parole and/or probation.

Hoover II, at 2. We further stated that Hoover misinterpreted Montana law.

The law requiring him to register was in effect when he was convicted. The Montana Legislature instituted the "Sexual Offender Registration Act" in 1989. 1989 Mont. Laws ch. 293, § 1. Hoover was convicted for a 1994 offense, and the 1993 version of the law applied to him. *See* § 46-23-501 through § 46-23-507, MCA (1993). The District Court as well as the Department of Corrections (DOC) gave him notice of this requirement as required by statute. Sections 46-18-254 and 46-23-503, MCA (1993). The DOC also has authority to determine the designation of sexual offenders. Section 46-23-509, MCA (1997).

Hoover II, at 2.

Hoover's claims lack merit. As explained above, the Legislature enacted the act in 1989, not in 1997 as he claims. *Hinman* does not apply to Hoover's situation because the court originally convicted and sentenced Hoover under the 1993 law. Hoover is precluded from challenging his conviction through this remedy of habeas corpus. Section 46-22-101(1), MCA. He cannot challenge a sentence upon revocation through this remedy.

Section 46-22-101(2), MCA. Hoover remains incarcerated or having to serve suspended sentences because of his failure to register convictions.² Hoover is not entitled to habeas corpus relief or his immediate release.

Lastly, this Court cautions Hoover to refrain from frivolously challenging his 1995 conviction and his 1997 sentence upon revocation. Should Hoover continue to file baseless and frivolous petitions for collateral relief, this Court will require him to submit a motion requesting leave to file a petition before it will be accepted. Therefore,

IT IS ORDERED that Hoover'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 Steven Todd Hoover personally.

DATED this 25th day of March, 2025.



Chief Justice

Joseph O. Smith

Katherine McKittrick

bits from
Jim Rice
Justices

² Available electronic records also indicate that Hoover had convictions for failure to register as a sexual offender in 2005, 2011, 2015, 2018, and 2022 in the Flathead County and Missoula County District Courts. Several of the suspended sentences have been revoked over the years.