

ORIGINAL

FILED

03/31/2025

Bowen Greenwood
CLERK OF THE SUPREME COURT
STATE OF MONTANA

Case Number: OP 25-0230

Jordan Ahenakew

Inmate Name

3024344

Inmate ID or AO#

Cascade County

Facility of Incarceration

3800 UIM North Frontage RD

Address of Facility

Great Falls MT 59404

City

State

Zip

FILED

MAR 31 2025

Bowen Greenwood
Clerk of Supreme Court
State of Montana

IN THE SUPREME COURT OF THE STATE OF MONTANA

No. OP 25-0230
[The Clerk of Court will assign a number]

Jordan Ahenakew,

NAME

PETITIONER,

v.

State of Montana,

NAME OF WARDEN/FACILITY ADMINISTRATOR,

RESPONDENT.

**Petition for Writ of
Habeas Corpus**

I, Jordan Ahenakew, 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.

Bail must not be in an amount greater than necessary to serve the state's interests the court abused its discretion by requiring monetary bail without considering less restrictive conditions as required by the law
the standard of proof should likewise be by clear and convincing evidence the accused retains a fundamental right to liberty no person should lose their right to liberty simply because that person can't afford bail
The district court violated my due process and equal protection rights by failing to consider my ability to pay and less restrictive alternatives to money bail I look to the standard of proof set forth Article 1 Section 12 of the constitution.

Bail cannot be denied in order to inflict pre-trial punishment. Pre-trial detention cannot be excessive in relation to the regulatory goal and the interests served by the detention must be legitimate and compelling. Both substantive and procedural due process apply to bail decisions not because of any constitutional right to bail but because liberty is a fundamental right. Independence guaranteed freedom from bodily restraint has always been at the core of the liberty protected by the due process clause. Those charged with crimes who come before the court for bail decisions are not criminals they are merely accused not convicted they enjoy a right to liberty by virtue of the presumption of innocence.

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:

get me another Bail hearing
to an amount I can afford
since MY Due Process and
Equal Protection rights were
violated.

VERIFICATION

STATE OF MONTANA)

County of Cascade : 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 20th day of March, 2025.

Jordan Ahenakew
Inmate Signature

Jordan Ahenakew
Printed Name

CERTIFICATE OF MAILING (SERVICE)

I hereby certify that on MARCH, 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

✓ Amanda Iofink County Attorney (see INSTRUCTIONS #9)
[Write name of County]

415 2nd ave North

Great Falls MT

59401

Jordan Aherikew
[Signature]

Jordan Aherikew
[Print name]

CERTIFICATE OF SERVICE

I certify that I filed this

Petition

Motion

Other

habeas corpus

[Name of document]

with the Clerk of the Montana Supreme Court and that I have mailed or hand delivered a copy to each attorney of record and any other party not represented by counsel as follows:

Amanda Iofink

[Name of opposing counsel]

415 2nd ave north

[Address]

Counsel for state of montana

Jordan Ahenakew

[Other party representing himself or herself]

5800 W 1st north

Frontage RD

[Address]

DATED this 27 day of March, 2025.

Jordan Ahenakew

[Signature]

Jordan Ahenakew

[Print name]

