

ORIGINAL

FILED

04/15/2025

Bowen Greenwood  
CLERK OF THE SUPREME COURT  
STATE OF MONTANA

Case Number: OP 25-0247

IN THE SUPREME COURT OF THE STATE OF MONTANA

OP 25-0247

STRAUSIE LEIA HART,

Petitioner,

v.

JUSTICE COURT OF LEWIS AND CLARK  
COUNTY, STATE OF MONTANA  
HONORABLE MICHAEL SWINGLEY,  
Presiding,

Respondent.

ORDER

FILED

APR 15 2025

Bowen Greenwood  
Clerk of Supreme Court  
State of Montana

Strausie Leia Hart has filed an “Emergency Writ of Supervisory Control” requesting this Court’s review of rulings by Lewis and Clark County Justice of the Peace Michael Swingley. Hart asserts that the Justice Court improperly imposed bond conditions upon her; that she was denied a witness in court; and that the police “lied on write ups [in her] case.” Hart contends that she was not informed about the underlying proceedings or an appeal from her former counsel. It appears that Hart served Judge Swingley but not opposing counsel.

This Court has supervisory control over all other courts, pursuant to the Montana Constitution, but it is “an extraordinary remedy, reserved for extraordinary circumstances.” *Stokes v. Mont. Thirteenth Judicial District Ct.*, 2011 MT 182, ¶ 5, 361 Mont. 279, 259 P.3d 754. A petitioner must demonstrate a case with purely legal questions and urgent or emergency factors making the normal appeal process inadequate. M. R. App. P. 14(3).

This Court reviewed Hart’s attachments of 121 pages, including the register of actions for the pending Justice Court matter. The State commenced a criminal action against Hart on December 20, 2021. Hart entered a not guilty plea to driving under the

influence of alcohol or drugs, 1<sup>st</sup> offense. The Justice Court held a jury trial on August 9, 2022, resulting in a mistrial. Counsel for Hart moved for dismissal; the State filed a response, and the Justice Court denied the motion to dismiss on February 15, 2023.

Counsel for Hart sought an appeal for the interlocutory order and to stay the trial. The District Court remanded the case to the Justice Court on August 30, 2023, and the Justice Court scheduled a *Gallagher*<sup>1</sup> hearing for September 15, 2023. That scheduled hearing did not occur. Following the filing of Hart's counsel's motion to dismiss for speedy trial violation and the State's response, the Justice Court attempted to schedule a hearing on the motion. On February 12, 2024, counsel for Hart moved to withdraw, which the court granted. The Justice Court rescheduled the hearings and a jury trial. The court held a hearing on the motion to suppress in April 2024 and confirmed a jury trial the following month. Other motions were filed, and the jury trial was re-set. The court held a status hearing on January 24, 2025, and a hearing on Hart's speedy trial motion was scheduled for March 26, 2025. It is not clear from the materials submitted whether further proceedings have occurred.

Hart has not established grounds for this Court's exercise of supervisory control. It appears from the extensive docket that the Justice Court is proceeding with the management of Hart's criminal case. Hart has not demonstrated that the Justice Court is proceeding under a mistake of law, causing a gross injustice. Hart has the remedy of an appeal to the District Court should she receive an adverse final judgment from the Justice Court.

IT IS THEREFORE ORDERED that Hart's Petition for Writ of Supervisory Control is DENIED and DISMISSED.

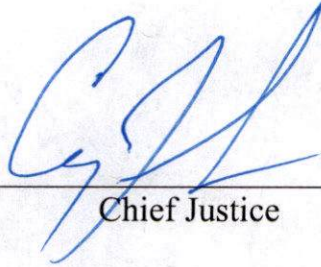
The Clerk is directed to provide a copy of this Order to: the Honorable Michael Swingley, Justice of the Peace; Paul Whitham and Elizabeth Rogge, Clerks, Lewis & Clark Justice Court, under Case No. TK-515-2021-0004279; Rachel Raymond, Deputy County

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<sup>1</sup> *State v. Gallagher*, 2001 MT 39, ¶ 7, 304 Mont. 215, 19 P.3d 817.

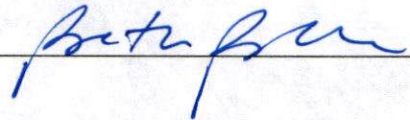
Attorney, along with a copy of Hart's Petition; counsel of record; and Strausie Leia Hart personally.

DATED this 15<sup>th</sup> day of April, 2025.

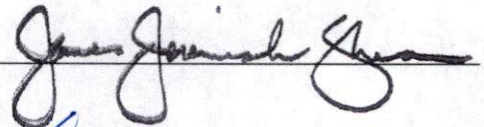


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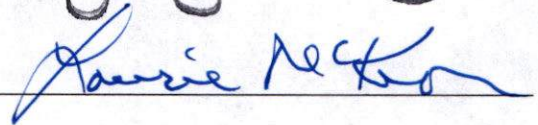
Chief Justice



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Justices