

FILED

04/17/2025

Bowen Greenwood  
CLERK OF THE SUPREME COURT  
STATE OF MONTANA

Case Number: OP 25-0289

FILED

APR 17 2025

Bowen Greenwood  
Clerk of Supreme Court  
State of Montana

Darrell Dwayne Smith  
Inmate Name

3017541  
Inmate ID or AO#

Montana State Prison  
Facility of Incarceration

700 Conley Lake Rd  
Address of Facility

Deer Lodge MT 59722  
City State Zip

IN THE SUPREME COURT OF THE STATE OF MONTANA

No. OP25-0289  
[The Clerk of Court will assign a number]

Darrell Dwayne Smith  
NAME

PETITIONER,

v.

Petition for a Writ  
of  
Habeas Corpus

Jim Salmonson - Warden MSP  
NAME OF WARDEN/FACILITY ADMINISTRATOR,

RESPONDENT.

I, Darrell Smith, 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.

I am due to discharge my sentence Flathead County DC-15-547 & DC-16-070 on the 13th of April 2025. The DOC Records department has Added 157 day to my sentence and only a sentencing judge has that authority not the DOC. Michele McKinnon originally added 109 days due to me being on the run. I am on an active DOC sentence and whether im on the run for escape or absconding every day count it is not dead time that they can give me back. I filed a grievance and have done all administrative remedies known

to me and then I finally received another amended sentence calculation spreadsheet that another member of the records department has recalculated my time and now has added 48 more days due to them saying apprehension to execution of Governor's warrant. That 48 days is proof that I should not even be here due to y'all not serving me with the Governor's warrant allotted by law. I was in custody at that time so these calculations were wrongfully done. I am due to discharge from prison on 04/17/2025 no excuses. Any time beyond that day I will be held illegally and wrongfully incarcerated. Since being in Montana State's Custody since November 11th 2024 I have not been able to see the parole board. The state of Montana and the DOC are foul. It's disgusting how they tell people or employees to either do there jobs wrong or that they don't train them properly. Obviously y'all can see there mistakes and I want justice!

[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:

I want the state employees to be trained properly on how to do these calculations so that they don't do this to any one else, I also want wrongful incarceration financial compensation I believe its like \$1,700.00 dollars a day for wrongful incarceration. I want release from prison immediately.

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 10 day of April, 2025.

Darrell Smith  
Inmate Signature

Darrell Smith  
Printed Name

## CERTIFICATE OF SERVICE

I certify that I filed this

☐ Petition☒ Motion☐ Other \_\_\_\_\_*[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:

Bower Greenwood*[Name of opposing counsel]*Clerk of the Montana Supreme CourtP.O. Box 203007, Helena, MT 59620-3003*[Address]*

Counsel for \_\_\_\_\_

*[Other party representing himself or herself]**[Address]*DATED this 10 day of April, 2025.Darrell Smith*[Signature]*Darrell Smith*[Print name]*

# CERTIFICATE OF SERVICE

I certify that I filed this

☒ Petition

☐ Motion

☐ Other \_\_\_\_\_

[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:

Bowen Greenwood / Tim Salmonson - Warden  
[Name of opposing counsel]

Clerk of the Montana Supreme Court

PO Box 203003, Helena, MT 59620-3003  
[Address]

Counsel for \_\_\_\_\_

\_\_\_\_\_  
[Other party representing himself or herself]

\_\_\_\_\_  
[Address]

DATED this 10 day of April, 2025.

Darrell Smith  
[Signature]

Darrell Smith  
[Print name]





## **BOWEN GREENWOOD, Clerk of the Montana Supreme Court**

P. O. Box 203003, Helena, MT 59620-3003 • Phone 406-444-3858  
Fax 406-444-5705 • [courts.mt.gov/clerk](http://courts.mt.gov/clerk) • [clerkofsupremecourt@mt.gov](mailto:clerkofsupremecourt@mt.gov)

April 4, 2025

Darrell Dwayne Smith  
#3017541  
Montana State Prison  
700 Conley Lake Rd  
Deer Lodge, MT 59722

Dear Mr. Smith:

This office received your document entitled "Petition of Habeas Corpus" Said Petition is being returned to you because it does not comply with the Montana Rules of Appellate Procedure.

(2) Service of all papers required. Copies of all papers, including any transcript, filed by any party and not required by these rules to be served by the clerk of the supreme court shall, at or before the time of filing, **be served by the party' on all other parties** to the appeal or review. ... In criminal cases ... all briefs, motions, and other papers, not including transcripts, **shall be served on both the county attorney and the attorney general.**

In a criminal case, the State of Montana is a party. To serve the state of Montana, mail a copy of your document to the **Attorney General at:**

**State of Montana,  
Office of the Attorney General  
PO Box 201401  
Helena, MT 59620-1401**

**Powell County Clerk  
409 Missouri Ave.  
Deer Lodge, MT 59722**

*I sent copies to  
AND these places*

**Fill out the enclosed form stating that you have done so. Return that form with your document.**

(4) Proof of service. **Papers presented for filing shall contain a certificate of service** in the form of a statement of the date and manner of service and of the **names and addresses of the persons served**, certified by the person who made service.