

Shalaine Bourne

2096611

Flathead Co. Detention Center

920 S. Main St. Suite 100

Kalispell, MT 59901

ORIGINAL

FILED

APR 21 2025

Bowen Greenwood
Clerk of Supreme Court
State of Montana

FILED

04/21/2025

Bowen Greenwood
CLERK OF THE SUPREME COURT
STATE OF MONTANA

Case Number: OP-25-0254

In the Supreme Court of the State of MT.

OP-25-0254

Shalaine M. Bourne
Petitioner

Additional
Appendix
for Writ of
Habeas Corpus

Commanders Kenneth Root
Respondent FCPC

1. Shalaine Bourne am representing myself. I believe I'm entitled to a writ of habeas corpus 46-22-101 for the following reasons.

• The DOC incorrectly calculated my sentence which illegally extends my parole eligibility of discharge date. I am entitled to more credit for jail time served than I received.

• My sentence is illegal because it violates my right to be free from double jeopardy.

• The length of my sentence are longer than Statute allows.

• My due process was violated resulting in an unlawful incarceration.

Shalaine Bourne
Shalaine Bourne

Certificate of Mailing (Service)

I hereby certify that on April 15th 2025 I have mailed the writ of habeas corpus, as noted by the ✓ mark to the following attorney by placing a copy in the United States mail, postage prepaid:

State of Montana

P. O. Box 201401

Helena, mt 59620

Shalaire Bourne

Shalaire Bourne

Introduction: My life has not been easy. I grew up in Silverbow homes, Butte, MT. My father was Douglas Dean Thum, an inmate at MSP for the last 5 years of my life. My mom, Marla DeWu, was a good woman (she passed away in June of 2021). I was in prison. I spent 5 years flat there from Jan 2019 - Jan 2024 for ~~an~~ ^{illegal sentence that} extended my P.E.D. for 5 years. I would like to share a bit about myself to support my petition & request for immediate release.

When I was 3 I was kidnapped from my backyard in Silverbow homes by a teenage male, Terry Falcon. He took me by railroad tracks, sexually assaulted me, & left me ~~in~~ ⁱⁿ a green dumpster car. It was a hot summer day, I recall the outfit I wore. To this day I hate the smell of alfalfa. The thick summer air was pungent with it. When my so-called Dad was released from prison, he did worse. I was taken by D.F.S. shortly after his release from prison. Thank God my grandparents stepped in & took me to live with them in Livingston, MT. Eventually my mom got rid of Doug, the sex charges he had pending against me somehow didn't stick.

At age 13 I was sentenced to the D.O.C. until my 18th birthday from Livingston, MT. Park County Judge Swandel sentenced me there for misdemeanors only. I found out years later that same as an adult a D.O.C.

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Sentence that put me in Riverside in Boulder, mt. a juvenile prison, required a felony conviction. I sure did not have one. Yet I was an inmate of the D.O.C from 13 yrs old until my 18th Birthday when I walked out of Riverside Youth Correctional facility for the forth + last time. The Supreme Court has stated "when dealing with fundamental liberty interests it is never too late to backup + correctly apply the law, as clearly + unambiguously set forth by legislature."

Not Surprisingly I started using meth + by age 19 I was charged with 3 felonies, forgery^{x2} + Theft. I had taken a book of checks from Todd's Window Tinting. I met the owner, Todd, at a bar. I was underage, drunk, when Todd took me to his place of business. It happened to be located directly behind his home that he shared with his wife + children. Todd had sex with me + told me I had to go. I took the checks on my way out. This behavior was absolutely unacceptable + I'm embarrassed to admit it. Then I met a good guy with a nice family in Great Falls. Suddenly I had the family I never had + my life changed for the better. At that time I was out on bond for the 3 felonies Forgery^{x2} DC-03-494 DC-03-384, Theft DC-04-048. My judgement for those sentences was a 1 year deferred imposition with a \$5,000 fine. I moved to Livingston with the guy, Aaron Bourne, we got married + had one child, Kade Bourne. Those DC-numbers will show for Phalaine Thumson, my maiden name. Everyone after will be under Bourne. Life in Livingston was great. Aaron worked for John Deere as their Gold Star certified diesel technician. I found myself employed by Counterpoint as a very

rewarding job as a job coach for adults with mental disabilities. My P.O. was George Bryce, who was a beacon for myself, as being encouraging & a constant source of support. One of my claims states that a p.o. can be interviewed as to an offenders conduct on supervision. I'm counting on that.

From 2004-2011 I had zero run ins with Law enforcement & zero violations with P & P. As a matter of fact I was mere months away from completing ^{probation} when my life was torn apart in the most unexpected way.

Claim: I do not have access to my juvenile records Shalaine Thumm: Livingston, Mt. Park County. When I was 13 yrs old I was sentenced to the D.O. C until my 18th birthday. I had 3 misdemeanors, one verbal assault on a girl who bullied me in school. one misdemeanor assault on the same girl for fighting & one misdemeanor possession of marijuana I took from my mom then brought to school. As your Court stated it is never too late to back up & correctly apply the law. I was born on June 8th 1984. Sentenced to the D.O. C for 5 years in March of 1997. My Grandpa died the same week. What can be done about it now. I do not know. It was wrong & it screwed me up. I can't get my childhood back. Maybe I'll find some solace in just knowing the Supreme Court acknowledged the injustice of it. Possible declare it an illegal sentence.

Claim: Like I said I was months away from discharging my deferred sentence in 2011. DC-03-495, DC-03-384, PC-04-048 when my p.o, George Bryce, retired as Livingston P & P officer. The State hired William Thurlow as their P & P officer. Within a few months of his imolument Mr.

Thurlow showed up at my apt + forced upon me sexually in front of my 5 year old son, who stopped the attack. This was in 2011, it was spring-time + a rainy day. I contacted a Detective, Tim Barnes, who's son I had went to school with. He told me not to tell a soul + contacted the FBI in Billings. The FBI came to Livingston + interviewed myself + child. It was decided I was to wear a wire + bring a wide spectrum camera placed in a Silver Mt. coffee mug to my next appt. with Thurlow. My job was to get him to admit + discuss the attack. By the Grace of God I did my job, my part, very well + did just that. Thurlow was relieved of duty that day + eventually sentenced federally for Deprivation of Civil Rights Under Color of Law to 4 years in a federal prison. Thurlow told everyone - small town - that I seduced him. This was a bold faced lie. One Judge Cebell him out on at his sentencing. The wire + video I captured proved otherwise. The dirt the FBI dug up ^{did} too. He had hurt other women + may of hurt more. My interference held him accountable + prevented further attacks. The cost to me has proved to be great. Livingston police even put me in jail there, the 1st at that, for crimes I did not commit shortly after Thurlow was removed from office. The FBI got me out but asked me to move away out of fear for more retaliation. What Thurlow did ultimately destroyed my life. After 7 years I.

found it spiraling. The stress caused Aaron to leave me. I moved to Billings with my 5 yr old son. Leaving my mom, Grandma, + Brother in Livingston. This happened in March of 2011 by May of 2011 I had started using meth + landed in jail. Kaden was camping with Jeremy + Veronica Bourne, my then brother in law + his wife. They ended up adopting Kaden. We went 10 yrs without any contact.

My 4 year deferred sentence was revoked + I was transferred to Great Falls jail to answer to it in May or June of 2011. *Gonzales v. Blodgett*, 193 Mont. Habeas Corpus Granted. The Supreme Court does De Novo reviews. This took some time to understand but De Novo means from the beginning. Thank you for doing this. My 4 yr deferred was revoked in May of 2011 + ^{ultimately} a 3 yr DOC sentence was imposed. I question whether I was given credit for the time I was incarcerated in Cascade jail in 2003 + 2011. The 46-18-201 max period for revoking a sentence may of expired with the days I was incarcerated + street time credit. The Supreme Court generally refuses to review an issue to which the party failed to object at the trial court level, unless a criminal sentence is alleged to be illegal or in excess of statutory mandates *State v. Kotwicki*, 2007 mt. 17. I am not attacking the legality of the order revoking ^{any of} my ^{or suspended} deferred sentences but rather the illegal sentence I interdict + pray for

Hendrickson v. Selmons, 2024 Mont. Lexis 746 - ^{Street} credit awarded
Court + State agrees as being so. State v. McCaslin 2011 mt.
221. A person must be given credit for each day incarcerated
prior to or after further incarceration, Justice demands we do
not allow a facially illegal sentence to stand, Southwick
When language of statute is plain, unambiguous, direct & certain,
the statute speaks for itself & there is nothing left for the court
to construe. 46-18-201-203 State v. Ellsworth 2023, mt 8.
"facially illegal" & review claim of an illegal sentence pursuant to
this (your) court's "Lenihan" 46-18-203 (7) (b) if a suspended or
deferred sentence is revoked, the Judge shall consider any
elapsed time served without any recollection of violations
against the sentence. I had over 5 years on my deferred
sentence(s) with zero violations. Records, DMIS, and
George Bryce can verify this. I was months away from
completing the sentence or perhaps even being done with
it once proper incarceration days + Street credit are
applied when it was initially revoked. Yet a 3 years
suspended D. O. C. sentence was the result of my 16 yea
deferred being revoked in 2011. State v. Ellsworth 2023 mt 8
State v. Lenihan, 184. Support this by not crediting me
with the time I had zero violations on my deferred
sentence, it's unlawfully taking away street time, in turn, ex-
tending my sentence I'm serving beyond the maximum.
Mont. code 46-18-403 credit for time served when presented
with whether the district court had authority to take a
specific action. the question is one of law & a review is *de novo*

State v. Tippetts, 2012 mt. 81 State v. Graves, 2015 mt. 1162
 Roberts v. United States, 320 Adopted to depend on
 the character & circumstances of the individual. Beating all
 odds. I had seven years of being sober & a productive member
 of society. I was happy. Married. A mom. A Job Coach.
 Near my family. Then William Thurlow came along & I
 allowed his misconduct to ruin my life. I was weak & lost
 control, relapsed & haven't come back from it. I lost my family,
 sobriety, and freedom. I lost my heart. Living without your
 heart is no way to live. I accept responsibility for my
 actions. I screwed up by using. But it happened after
 7 yrs of living right. And after a brutal sexual attack
 by an authority figure. I provided a glimpse of my
 trauma that happened to me as a child from sexual abuse.
 Being re-traumatized as an adult in a similar manner was
 just too much. I fell short & I lost. My family lost & lives
 were forever changed. A reasonable person would acknow-
 ledge had Thurlow not of been hired as my p.o I'd of
 finished my deferred sentence, remained in Livingston,
 married & most importantly, maintained my sobriety
 & raised my son. More than anyone, he lost. It's
 heartbreaking. Vaska v. Godfrey 2025 mont. Lexis 2,
 ¶ 18-203 (7)(B) State v. Jardee District Court
 has a mandatory duty to award the time
 pursuant to statute which includes without violation
 or incidents. The revoked judgement of my initial

deferred sentence) that imposed a 3 yr ^{suspended} ~~suspended~~ consecutive D.O.C. sentence) should of been 6 months to a year at most. My hope is that with proper incarcerated days applied, street time, credited is when the state revoked my sentence in 2011 it would of been discharged. If not applying the proper statute with street time credit + jail time credit the only time available to reinstate a D.O.C. sentence) or suspended sentence) would of been fulfilled. Incarceration days on this sentence include 30-60 days in Billings jail in 2011 awaiting transport to Great Falls. State v. Heafner 2010.

Relief Requested for Juvenile records from Park, Co. Livingston, MT, Judge Swardel (District) on March of 1997 for Shalaine Marie Thumm age 13. I was sentenced to the D.O.C. from age 13-18 for 3 misdemeanors. This was an illegal sentence. I was placed at Riverside Youth Correctional Facility 4 times during that time. As well as a youth transitional sentence center in Great Falls numerous times. I was maybe free for 6 months to a year. Please review this De Novo. Perhaps relief can be credited towards my suspended time as an adult or D.O.C. that I'm feverishly seeking relief from currently. As an adult those placements are considered D.O.C. facilities, comparable to prison + prerelease. Misdemeanor offenders do not qualify for

that level of restraint. Beings I was a juvenile those placements should of only been given to a serious offender. I swear that I did not have any felonies as a youth. Please review + expunge the sentence or declare an illegal sentence or invalid.

Regarding my revoked sentences I have some supporting literature, statutes, + case laws I'd like to state. *State v. Roberts* 2010 mt. 110 46-18-203 (iii) judge may revoke a sentence either serve the imposed or any sentence imposed that does not include a longer imprisonment or commitment term than the original sentence. 46-18-201 applies to the initial sentence. 46-18-203 applies to the revocation hearing sentences. District Court determining the sanction to be imposed after a probation revocation is governed by 46-18-203 + not 46-18-201. As they are two distinct situations. Standards of review. The Supreme Court reviews a criminal sentence greater than one year for legality only. *State v. Hernandez* 2009 mt. 341. Your Court reviews a district court's instruction of a statute de novo to determine whether it's correct. *State v. Brown* 2009. Issues of constitutional law are subject to plenary review. *State v. West* 2008 mt. 338. A decision to revoke a suspended sentence is reviewed for an abuse of discretion. *State v. Boutton* 2006 mt. 170. *State v. Burke* 2005 mt. 250. If the language is clear + unambiguous no further

interpretation is required State v. Letasky, 2007 mt 51 State v. Seals, 2007 mt 71 Lervold v. Bludworth 2012 809

The revocation of a suspended sentence is expressly governed by 46-18-103. The Statute defines the District Courts option in a revocation proceeding. Letasky
Lott v. State²⁷⁹ successfully argued District Court unconstitutional enhanced his sentence in violation of the prohibition against double jeopardy under *Guillone & Whitehorn*

The writ of habeas corpus is designed to correct flaws & to ~~remedy~~^{SB} remedy extreme malfunction in the state criminal justice system. Habeas corpus offers relief to those in society who've been "grievously wronged". Incarceration of an individual pursuant to a facially invalid sentence represents a "grievous wrong" and a miscarriage of justice" warranting habeas corpus relief. Its root principle is that in a civilized society, government must always be accountable to the judiciary for a man's imprisonment. If the imprisonment cannot be shown to conform with the fundamental requirements of law, the individual is entitled to immediate release. *Fay v. Noia* 372 US 391 95-2701. Every person imprisoned or otherwise restrained of his liberty, within the state, may prosecute a writ of habeas corpus to inquire into the cause of such imprisonment.

or restraint, and if illegal to be delivered there from. Mont. Constitution Art. II, §19 provides: "The privilege of the writ of Habeas Corpus shall never be suspended. Article II, Section 25 of the Mont. Constitution offers protection for offenses arising out of the same transactions + multiple punishment imposed at a single prosecution." *August v. Burns* 79 Mont. 198. The Writ of Habeas Corpus is designed to correct such flaws + remedy "extreme malfunctions in the State Criminal Justice system." *Jackson v. Virginia* Habeas Corpus has been liberally employed as a means guaranteeing that justice be granted + that a miscarriage of justice be remedied. Mont. Constitution Article II, Section 19 guarantees the writ of habeas corpus shall never be suspended. As applied to a facially invalid sentence, the procedural bar created by 46-22-101(2) unconstitutionally suspends the writ. *Brecht*, 507 U.S. at 637 *Perry* 232 *pot* warranted relief. As did *State v. Wolfblack* 2024 MT 164.

Claim: In DC-13-429 my C.P.D. was revoked in 2016-2017 + sentenced consecutively to my original charges of forgery x2 + Theft. This demonstrates an illegal sentence by not being sentenced according to 46-18-203, revocation of a deferred or suspended sentence is expressly governed by this statute. Which mandates it be ran concurrent to any other sentence.

I was not credited with street time without violation either. My lawyer on record for this sentence DC-13-429 is Michael Uslebar 406-694-8360. I recently called him about sentencing statutes 46-18-201-203. Mr. Uslebar told me he no longer practiced criminal law but was not aware of multiple sentencing statutes for original sentences verses revoked or deferred sentences. State v. White, 02-15-047. I did not receive credit for incarcerated days due to this sentence either DC-13-429. Had I been given street credit, jail credit, and sentenced concurrently as 46-18-203 mandates this sentence may as well expired years prior then it did as well. I was in court for the revocation proceedings on Dec. 7th 2014 in DC-13-00. When I escaped from the courtroom DC-11e-1258. Ultimately I was sentenced to 5 yrs D.O.C as a P.F.O. I find the P.F.O designation to be erroneous + disproportionate to others similarly convicted. While I committed the crime on Dec. 7th 2014 I was sentenced after July 1st 2015 when the new P.F.O laws took effect 46-6-202 (18). At least one of three felonies must be violent or sexual in nature. State v. Thomas 2019 MT. 155 46-18-502 Judge Beth Baker dissented in this case with nearly identical circumstances as mine. She states the Ex Post Facto clause has no application when an amendment mitigates a punishment. See State v. Coleman, 185. Which suggests that the Arrest + Court may well be been obligated to

apply the amended statutes as their charges benefitted the accused. See *Rooney v. North Dakota* 196. A statute which mitigates the rigor of law in force at the time a crime was committed cannot be regarded as *Ex facto* with reference to that crime. *Wilson* 279 Mont at 40. For my self preservation I readily agree with Judge Bakers dissent & hope your Court will revisit this topic. Furthermore the statute for Felony Escape has contradictions that I believe dictates I should of been sentenced as a misdemeanor. My charge arose from running out of the courtroom on Dec 7th 2010 during a revocation proceeding for DC-19-008. I was convicted of Felony Escape 45-7-306(CB) official detention does not include a person on probation or parole. Constraint incidental to release on bail. I appeared on my own accord, out on bond, and I was still being supervised by probation & parole. Furthermore the constraint incidental to release on bail would of been possible had I had a reasonable bail. For the escape I was given a \$250,000 bond & a \$10,000 bond for the revocation. These merits eliminate the "official detention" factor that mandate a felony. I was in court for DC-13-429, a revocation proceeding, after yes being convicted or charged with a Felony C.P.D.P. That conviction was from 2013, a 28 month sentence. By Dec 2010 it may of even been expired as stated before. The Escape statute fails to state

State v. Wolf 2020 MT 24 - Struck P.F.D. imposed new ^{Sentence} 61-8-73, when a Felony Escape is warranted when according to 45-7-306(3)(a) is charged with or convicted of a felony. Does years prior to the Felony Escape charge count?

Statute very clearly states a revocation hearing is a civil procedure 46-19-203.

Applying this logic I was in court for a civil procedure ^{as well} when I fled the courtroom. Not meeting the elements for a Felony Escape my conviction should be modified to a misdemeanor.

I'll calculate a timeline & relief requested to the best of my ability. In 2005 I started probation in Park County for my Cascade County convictions DC-03-495, DC-03-384, CDC-04-048, a 6 yr deferred imposition, all concurrent to one another. In 2011 this sentence was revoked after over five years with no report of violations or incidents. Please apply the correct sentencing statute 46-18-203 for revocation sentences. Please credit the revocation sentence with the five plus years I had with no violations. Please credit this sentence with all jail time as well from 2004 & 2011, 2004 in Cascade Co. in 2011 in Yellowstone & Cascade County. Modify this sentence to a local one.

I actually discharged this sentence in 2016. That's 11 years after I started the 1 yr deferred sentence & 13 years after I was initially charged. This far extends the original 1 yr deferred the court initially imposed. 46-18-201 allows the district court to revoke a deferred sentence for any felony only during the period immediately following the ^{initial} deferral. This period cannot be extended by an order of the district court. *Gonzales v. Blodgett*, 193 Mont. 304. The maximum period for revoking a deferred sentence & the trial court no longer had jurisdiction. My cases in CP-03-495, DC-03-384, CDC-04-048, CP-13-429 may be the same. *State v. Ellsworth* 2023 mt. 8 "facially illegal" & review claims of illegal sentences pursuant to your courts. *Lenihan*. The Supreme Court generally refuses to review an issue to which no party objects to at trial court level, unless a criminal case is illegal or in excess of statutory mandates. *State v. Rotwicki*, 2007 mt. 17. An alleged sentence is illegal or exceeds statutory mandates, even if no objection is made at the time of sentencing. *State v. Lenihan*, 184 46-18-203 Allows all of the elapsed time without any record or recollection of violations as credit against the revoked sentences. My deferred sentence was revoked several times after 2011, eventually I discharged it in 2016. This sentence was illegally extended. Please

Review de novo & apply the correct discharge date. Regarding DC-13-429 C.P.D. from Yellowstone Co was revoked in 2016. Applying the revocation statute 46-18-203. My relief requested is to please sentence me concurrently for this revocation - it was revoked in 2016 or early 2017 - Yellowstone Co. Credit it with street time without violations as well as time incarcerated. Please review de novo for legality in regards to sentencing. Please apply the correct discharge date. Calculating credit for time served is not a discretionary act, but a legal mandate. State v. Tippets 2022 mt. 81. I was paroled in 2018 from DC-13-429, DC-17-058, DC-16-1258. In 2019 I was arrested & charged with crimes in DC-19-0089 and placed back at the prison. Being I was sentenced for a new crime I had to sit the remainder of the Escape sentence & a quarter of the C.P.D. DC-19-0089 prior to being parole eligible. Five years in total to the month flat, January 2019 to January 2024. I have never had a prison sentence, rather a D.O.C. one. Judges have always recommended drug treatment. I understand the D.O.C. has the ultimate authority to place you anywhere but had a Judge intended for my conduct to imprison me, one would have. While imprisoned I was one of ten recipients of the Noel Chance Pell Grant & attended college through

MSU in prison. I received all As & have one year left before I graduate. I had planned on attending school on campus after Recovery Centers of Montana prior to being arrested & stuck in jail. In regards to my original complaint about not having witnesses at my on-site hearing Captain David Castro answered my complaint & did a thorough time line he uploaded to OMIS last week. Mr. Castro acknowledged I did go to RCM in Nov. 2024 as alleged in violation 1 but refused to ask the parole board to rescind my secure placement. Claimed they didn't allow witnesses at my on-site hearing, namely Detective Thomas, was not a relevant witness as determined by Scott Brotnov. It would be impossible to determine that when Mr. Brotnov refused entertaining my request as Thomas as a witness. Thomas had spoken to a female sergeant at P & P in Butte who gave him specific instructions to tell me beings I couldn't reach Tara Billteers. Those instructions were to go back to treatment & upon completion they'd quash the warrant. I did exactly that. Reported to P & P in Butte upon arrival at RCM on Jan 26th 2025 & was arrested on February 10th 2025 per Tony Barrets instructions. He was "sick of my shit." I also requested hospital records for my on-site hearing.

I was not allowed this. Heres what I find interesting
Violation 1 on my R.O.V states I did not go to
treatment in Nov. 2024. I did go to treatment.
I left after 10 days because I was nearly dead
from a blood infection. I used Wren I left &
ended up hospitalized from what I assumed
was an overdose. I spent weeks there, in a
coma intubated. I had MRSA, was Septic, &
in organ failure, with acute respiratory failure. I
did contact P + P, Tara Biltreen, She would not
answer my calls. Tara Biltreen + Tony Barrett
illegally evicted me with my landlord in Butte, MT.
on Oct 1st 2024. My landlord used them as
essentially hired guns to have me move. His reason
stated was destruction of property for the door
being kicked in during a domestic dispute. The county
attorney explicitly told me I could not be kicked
out for that. So rather then my landlord follow
proper procedures, courts, to evict or attempt
to evict me, he used P + P. MT Detective
Thomas can verify this. I would think if questioned
seperately Tara Biltreen + Tony Barret would
admit it. I had also fixed the door. I had
a verbal altercation with my landlord after
he used a key to come into my apt unannounced
while I was home napping during the day. My car

was being repaired so it was not there. As my landlord stated his reasoning for letting himself in, "your car isn't here." I already know P + P officers aren't always on the up + up. But whos going to believe me about their conduct without the benefit of a wire? Detective Thomas can verify all of this.

Back to my hearing on Feb 10th Scott Brotner knew I went to treatment in Nov. 2024.

He still found me guilty. I did also report law enforcement contact to P + P and Detective Thomas. I was found guilty of that. I readily admitted to using drugs. I had went to treatment 4 times in 4 months. That admission does not constitute a parole revocation hearing. They clearly did not exhaust the grid system for parole revocation.

My hope, my prayers, + sincerest belief is that I am correct about my sentences being illegal and Your Honors will release me immediately. My due process was violated at my on-site hearing. I was blatantly found guilty of offenses P + P knows I didn't do. They have their narrative of how I'm not being illegally incarcerated. The hearings officer

apparently determined my "witnesses" weren't relevant. Impossible to determine that when Scott Brotnov didn't ask why I wanted Detective Thomas to be my witness. And the witness that did contact them - RCM about attending treatment on Nov. 2024 irrelevant. Seems no matter what they were determined to lock me up.

On April 1st, nearly 2 months after my on-site hearing, Brotnov shows up at the jail asking me to fill out a "witness" request form for the on-site hearing that I had in February. They had 5 days from arrest to provide me a fair hearing that statute mandates my due process being afforded. This clearly did not occur. There is audio of Feb 14th 2025 meeting with Brotnov - the April 1st meeting as well.

Regarding OC-116-1258 please refer to my claim regarding the Felony Escape in the petition. If possible strike the P.F.O designation. At sentencing the Judge expressed regret about imposing a 5 yr DOC sentence but said his hands were tied due to the P.F.O designation. Maybe if the P.F.O went away the Judge could impose a shorter sentence. Even better would be to

consider my argument for a misdemeanor escape. I think I made some points that make sense. I'm a bit bias but I'm hoping the court & state agrees.

Regarding DC-17-0583 the particulars of this sentence are unclear to me. I think it was revoked to be paroled from but Conweb says its a suspended sentence. Please review De novo & apply the correct sentencing statute & credits for time served appropriately.

I believe I am illegally incarcerated. The illegal nature of my sentences extended the time I had to sit in prison & still continue to cause prejudice by my current incarceration in County jail on DC-19-0089. I do not know exactly how your court will remedy my sentences to reflect legal sentences but I am excited to find out. I believe I'm done with D.O.C. time & should be immediately released. I respectfully request your court review all of my sentences De novo & correct them for sentencing guidelines with the proper statute applied for each sentence. The case numbers are as follows.

LaTorge v. Godfrey 2024 lexis 1146 - credit granted
State v. White lexis 542 Osborn v. Kirkegard 385 mt. 542
Lervold v. Bludworth 809 State v. Toulouse 2024 184
Case law precludes the district court to run a sentence
upon revocation consecutive to an existing sentence

Cascade CO. DC-03-495, DC-03-384 COE-04-048
Yellowstone CO. DC-13-429 DC-17-0583

The above cases were initially deferred or suspended.
I was not sentenced concurrently with credit for
street time or incarcerated time on any of them.

Please review DE NOVO and apply correct dates.

Start DC-19-0089 DOC at the earliest time ^{if credit time served} possible, please.

I understand I still have suspended time to serve.

Perhaps additional time I have served can be
credited towards those sentences DC-19-0089 &

DC-20-0869. I would like to thank the Court
& State for their time. This is all very confusing

for me so I hope I articulated myself in a
manner that's understandable. I have spent many
hours on this. Will the Courts please appoint Counsel? Wood v. ^{Goodman} 1193

Relief: Please review my claims and
immediately release me from custody.

Verification

State of Montana

County of Flathead

I certify the contents of this petition are true
& accurate to the best of my knowledge.

Shelaine Bourne

Shelaine Bourne

Dated this 15th day of April 2025