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IN THE SUPREME COURT OF THE STATE OF MONTANA

No. OP 25-0219

TYLER MICHAEL MEINHARDT,

Petitioner,

v.

TOM GREEN, WARDEN,
DAWSON COUNTY CORRECTIONAL
FACILITY,

Respondent.

**ATTORNEY GENERAL'S RESPONSE TO PETITION
FOR WRIT OF HABEAS CORPUS**

The Attorney General's Office, in compliance with this Court's March 28, 2025 Order, submits this response to the Petition for Writ of Habeas Corpus (Petition) filed by Tyler Michael Meinhardt. Meinhardt challenges his sentence

imposed by the Eight Judicial District Court, Cascade County, in Cause No. ADC-2021-098.

As part of its response, the State submits, and incorporates by reference, relevant documents from the district court proceeding in the State's appendices. (*See* State's Apps. 1-13.) The State requests that this Court take judicial notice of the documents and the facts presented in its appendices pursuant to Mont. R. Evid. 202(b)(6) (Court may take judicial notice of records from any Montana court) and Mont. R. Evid. 201(b)(2) (Court may take judicial notice of facts "not subject to reasonable dispute," as they are "capable of accurate and ready determination by resort to sources whose accuracy cannot be reasonably questioned").

BACKGROUND AND PROCEDURAL HISTORY

On February 3, 2021, the State charged Meinhardt with criminal possession of dangerous drugs and criminal possession of drug paraphernalia. (App. 2.) On August 10, 2022, Meinhardt pleaded guilty to the criminal possession of dangerous drugs charge. (App. 3.) The district court sentenced Meinhardt on September 21, 2022, to the Department of Corrections (DOC) for a term of 3 years, all suspended, and granted credit for 276 days of pretrial incarceration. (App. 4.) The State dismissed the paraphernalia charge. (*Id.*)

On June 11, 2024, the State filed a petition to revoke Meinhardt's suspended sentence in that case. Meinhardt's probation officer, Kaloni Heggen (Heggen), filed the report of violation (ROV) attached to the petition. (App. 6.) The ROV indicated that when Meinhardt reported to sign his conditions of probation with Probation Officer Tripp¹ on September 22, 2022, he was immediately in violation due to his admitted methamphetamine use. (*Id.*) He was sanctioned to 30 days of drug testing and ordered to obtain a chemical dependency evaluation. (*Id.*)

On October 21, 2022, less than 30 days later, Meinhardt was again sanctioned due to positive drug tests and admitted use of methamphetamine. (*Id.*) He was ordered to do 60 days of drug testing and to obtain a mental health evaluation and follow all recommendations. (*Id.*) Meinhardt continued his violations, resulting in an intervention hearing on November 28, 2022. (*Id.*) He tested positive for drugs, was arrested on a new charge of misdemeanor criminal mischief, and failed to obtain his mental health evaluation as ordered. (*Id.*) Meinhardt spent three days in jail from November 25, 2022, to November 28, 2022. (*Id.*) He was ordered to complete additional drug monitoring, comply with GPS monitoring, provide proof of his mental health appointment, and maintain his appointments with his chemical dependency counselor. (*Id.*)

¹ Although Probation Officer Tripp's first name is not mentioned in the district court record, the State assumes this is the "officer Taylor Tripp" referenced by Meinhardt in his petition.

On April 25, 2024, another intervention hearing was held to address violations of laws, conduct, and residence. (*Id.*) Meinhardt served 3 days in jail from April 22, 2024, to April 25, 2024. (*Id.*) He was ordered to complete 60 days of GPS monitoring, schedule his mental health evaluation within 10 days, and complete that evaluation within 30 days of his release. (*Id.*)

Meinhardt failed to obtain his GPS monitor and failed to report to his probation officer upon his release on April 25, 2024. (*Id.*) On May 1, 2024, a case management response was held to address the violations. (*Id.*) Meinhardt also admitted to using methamphetamines. (*Id.*) He was again placed on drug testing. Meinhardt missed tests on May 3, 13, 15, and 16, and tested positive for amphetamines on May 6, 2024. (*Id.*) He also failed to report to his probation officer on May 14, May 24, and June 4, 2024. (*Id.*) He failed to keep his GPS unit charged during this time and was ultimately arrested on May 20, 2024. (*Id.*) He was sanctioned to an additional three days of jail, served from May 20, 2024, to May 23, 2024. (*Id.*)

After his release on May 23, 2024, Meinhardt absconded from probation. (*Id.*) Heggen was unable to locate him at his residence and she was informed he was no longer living there. (*Id.*) A probation violation warrant was issued on June 5, 2024, and he was arrested that same day. (*Id.*) The court held an initial

appearance on the probation warrant on June 10, 2024, and imposed a \$5,000 bond. (App. 7.) Meinhardt posted the \$5,000 bond on June 14, 2025.²

On July 11, 2024, Meinhardt entered denials to the reported violations. (App. 9.) An evidentiary hearing was set for August 14, 2024. (*Id.*) However, before that could occur, Heggen filed the first addendum to the ROV on July 18, 2024. (App. 10.) The addendum alleged Meinhardt had again absconded from probation, failing to report weekly as instructed. (*Id.*) Meinhardt had also failed to stay at his reported residence. (*Id.*)

After absconding from probation, Meinhardt appeared at the scheduled court hearing on August 14, 2024. (App. 11.) On August 15, 2024, he was placed on a weekly reporting schedule. (*Id.*) Meinhardt did not report during the entire month of October 2024. (*Id.*)

On November 12, Meinhardt was arrested on a \$10,000 warrant from probation and parole. (*Id.*) He tested positive for methamphetamine on the same day, but initially denied use. (*Id.*) He later admitted “he didn’t think he would be positive.” (*Id.*) In the second addendum to the ROV, Heggen noted that, although Meinhardt had sought out chemical dependency treatment recently, he was unable

² There is some discrepancy between court and DOC records on when the bond was posted and Meinhardt was released. The Notice of Cash Bond Posted notes the check was dated June 14, 2024; however, DOC records indicate that Meinhardt was released on June 13, 2024. (Apps. 8, 10.)

to make progress in addressing his addiction due to his severe mental health needs. (*Id.*) Meinhardt posted his \$10,000 bond on November 15, 2024. (App. 12.)

An evidentiary hearing was held on November 20, 2024. (App. 13.) Heggen and Meinhardt both testified. (*Id.*) The district court revoked Meinhardt's suspended sentence and imposed a 3-year commitment to the DOC. (*Id.*) The court granted Meinhardt 297 days of credit for time served. (*Id.*) The district court did not grant Meinhardt any elapsed time credit "due to [Meinhardt's] lack of substantial compliance for any period of time." (*Id.*)

On March 24, 2025, Meinhardt filed his Petition for Writ of Habeas Corpus. Attached to the Petition was a "Notice of Sentence Review Hearing" related to the underlying case, currently scheduled for May 2, 2025. (Pet. Ex. at 1.) This Court ordered the State to respond to the issue of elapsed time credit related to Meinhardt's time on supervision with "[O]fficer Taylor Tripp."

STANDARD OF REVIEW AND APPLICABLE LAW

Montana Code Annotated § 46-22-101(1) authorizes a person who is imprisoned to petition for a "writ of habeas corpus to inquire into the cause of imprisonment or restraint and, if illegal, to be delivered from the imprisonment or restraint." The fundamental purpose of habeas corpus is to remedy "illegal"

restraints or imprisonments (e.g., a sentence which exceeds statutory or constitutional limits). *Lott v. State*, 2006 MT 279, 334 Mont. 270, 150 P.3d 337.

This Court has held that the denial of credit for time served or elapsed time when a defendant is entitled to the credit creates a facially invalid sentence, which the Court may review in a habeas corpus proceeding. *See, e.g., LaForge v.*

Godfrey, No. OP 24-0495, 2024 Mont. LEXIS 1146 (Oct. 17, 2024).

The petitioner bears the burden of demonstrating sufficient legal cause to persuade this Court to grant the writ of habeas corpus. *Miller v. Eleventh Judicial Dist.*

Court, 2007 MT 58, ¶ 14, 336 Mont. 207, 154 P.3d 1186. Therefore, Meinhardt must present to this Court a record that is sufficient to make a prima facie showing.

Miller, ¶ 14.

ARGUMENT

I. Meinhardt is not entitled to any elapsed time credit because the record before the district court established that he consistently violated the conditions of his suspended sentence since the first day of his sentence.

The record does not support Meinhardt’s assertion in his Petition that he “completed compliance monitoring & entire probation time with [his] 1st officer Taylor Tripp [with] no problems[, which] should count as street time.” (Pet. at 2.) The ROV and subsequent addendums filed in the district court provide sufficient documentation of Meinhardt’s immediate and ongoing violations to justify the court’s denial of elapsed time credit.

Pursuant to Mont. Code Ann. § 46-18-203(7)(b), if a district court revokes a deferred or suspended sentence, “the judge shall consider any elapsed time, consult the records and recollection of the probation . . . officer, and allow all of the elapsed time served without any record or recollection of violations as a credit against the sentence.”

This Court has interpreted the statutory provision to require “a specific demonstration of a ‘record or recollection of violations’ in the period in question” to deny credit. *State v. Jardee*, 2020 MT 81, ¶ 10, 399 Mont. 459, 461 P.3d 108. In *State v. Johnson*, 2022 MT 216, 410 Mont. 391, 519 P.3d 804, Johnson alleged that the district court erred in denying him elapsed time credit for a specific period of time because there was no evidence indicating he continually violated the conditions of his suspended sentence during that period. *Id.* ¶ 25. At the same time, Johnson admitted that he had failed to comply with one of his conditions prior to the contested period, and this Court concluded that Johnson had not made a demonstrated effort to return to compliance during the contested period. *Id.* ¶¶ 25, 29. Because Johnson was not in compliance, this Court held that the district court did not err in denying him credit for elapsed time. *Id.* ¶ 30.

Here, similar to *Johnson*, the record established Meinhardt did not make a demonstrated effort to return to compliance. Meinhardt’s sentence prohibited alcohol and illegal drug use and required him to submit “to bodily fluid testing for

drugs or alcohol.” (App. 4 at 3.) The ROV attached to the State’s petition to revoke stated that Meinhardt admitted to methamphetamine use when he reported to sign the rules of supervision with Probation Officer Tripp on September 22, 2022, 1 day after he was sentenced. (App. 6.) He was sanctioned to heightened drug testing for a period of 30 days. (*Id.*) On October 21, 2022, before his 30-day sanction period concluded, the ROV documented additional positive drug patches and admitted use of methamphetamine. (*Id.*) Like *Johnson*, Meinhardt’s positive tests and admitted drug use during that initial 30-day sanction showed a lack of effort to comply with probation, leading to a new 60-day sanction, and, thus, he is not entitled to elapsed time credit for that period.

However, these were far from the only documented incidents of noncompliance during his sentence. Meinhardt’s 60-day sanction in October 2021 required another 60 days of drug testing and that he obtain both a chemical dependency and mental health evaluation. (*Id.*) Just over a month later, Meinhardt required an intervention hearing due to additional drug use, a new criminal offense, failure to obtain a mental health evaluation, and violations of residence and employment requirements. (*Id.*) The record shows that Meinhardt never obtained his mental health evaluation as during his next Intervention Hearing in April 2022, he was ordered to complete the evaluation within 30 days of his release from custody. (*Id.*)

Despite the case management responses and intervention hearings, jail sanctions, increased reporting, referrals to chemical dependency and mental health services, and increased drug testing, Meinhardt became increasingly noncompliant with the terms of his suspended sentence. The record before the district court indicates that Meinhardt tested positive or admitted to drug use at least seven times, missed his scheduled testing appointments at least four times, failed to report to probation at least eight times, absconded twice, remained noncompliant with his chemical dependency and mental health treatment, and obtained a new criminal charge. The record is unclear as to the duration and timeframe Meinhardt was supervised by Officer Taylor Tripp, but, regardless, the record before the district court justified the denial of elapsed time credit for the entirety of Meinhardt's supervision.

CONCLUSION

This Court should deny Meinhardt's Petition for Writ of Habeas Corpus.

Respectfully submitted this 24th day of April, 2025.

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By: /s/ Selene Koepke
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CERTIFICATE OF COMPLIANCE

Pursuant to Rule 11 of the Montana Rules of Appellate Procedure, I certify that this response is printed with a proportionately spaced Times New Roman text typeface of 14 points; is double-spaced except for footnotes and for quoted and indented material; and the word count calculated by Microsoft Word for Windows is 2,064 words, excluding caption, signatures, certificate of compliance, certificate of service, and any exhibits.

/s/ Selene Koepke
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APPENDICES

ROA	App. 1
Information (Doc. 3)	App. 2
Change of Plea Order (Doc. 62)	App. 3
Sentence, Order to Close File and Order Exonerating Bond (Doc. 65)	App. 4
Petition for Revocation of Suspended Sentence (Doc. 68)	App. 5
6/10/24 Report of Violation (Doc. 69)	App. 6
Order upon initial appearance (Doc. 67)	App. 7
Notice of Cash Bond received (Doc. 72).....	App. 8
Minute Entry (Doc. 78).....	App. 9
ROV Addendum #1 (Doc. 80)	App. 10
ROV Addendum # 2 (Doc. 91)	App. 11
EZ Bail Bonds (Doc. 92)	App. 12
Evidentiary and Dispositional Order (Doc. 96)	App. 13

CERTIFICATE OF SERVICE

I, Selene Marie Koepke, hereby certify that I have served true and accurate copies of the foregoing Response/Objection - Petition for Writ to the following on 04-25-2025:

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Electronically signed by Janet Sanderson on behalf of Selene Marie Koepke
Dated: 04-25-2025