

FILED

05/06/2025

Bowen Greenwood
CLERK OF THE SUPREME COURT
STATE OF MONTANA

Case Number: OP 25-0332

ANTHONY WEIMER

Inmate Name

3029890

Inmate ID or AO#

Tallahatchie County Correctional Facility
Facility of Incarceration

19351 U.S. HWY 49 N.E.

Address of Facility

Tulwiler

Mississippi

38963

City

State

Zip

FILED

MAY 06 2025

Bowen Greenwood
Clerk of Supreme Court
State of Montana

IN THE SUPREME COURT OF THE STATE OF MONTANA

No. OP 25-0332

[The Clerk of Court will assign a number]

ANTHONY WEIMER

NAME

PETITIONER,

v.

Petition for a Writ
of
Habeas Corpus

LOUIS ROSA JR.

NAME OF WARDEN/FACILITY ADMINISTRATOR,

RESPONDENT.

I, Anthony Weimer, 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.

~~After a first appeal that resulted in reversal and remand for a new trial, a chief probation and parole officer in Kalispell noted in the Offender Management Information System (OMIS) that the conviction was not reversed, only remanded for a new hearing.~~

~~Instead of being screened at the county jail per DOC policy after a second sentence of DOC commitment was imposed, I was transported to Missoula Assessment and Sanction Center (MASC). Following submittance of grievances, I was reprimed by MASC staff. A Secure Placement Request (SPR) was made requesting my placement at Montana State Prison (MSP)~~

providing no reason justifying placement at such level of custody. While in prison I discovered the SPR upon DOC Legal Services Bureau (LSB) providing information requested out of OMIS.

At an initial parole hearing, I challenged the Board of Pardons & Parole (BOPP) of their jurisdiction over my person. Board chairman and hearing lead, Brad Newman, stated that it "sounded like a court matter." Being granted my request to go to a pre-release, I was discriminated against among other issues, including denial of access to the courts created by pre-release staff at the pre-release. I submitted a grievance and requested assistance in change of parole plan to the pre-release Executive Director and was immediately reprisid.

On April 17th, 2024, the DOC submitted an SPR to return me to MSP. While in prison a second time. The LSB staff harrassed me for over 6 months on a request for documents out of OMIS. Finally stating requests for OMIS documents must be made to the BOPP.

[Use extra pages if necessary]

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I have made written requests for information from OMIS to the BOPP on December 7th, 2024, March 5th, 2025, and now April, 6th, without response.

At a rescission hearing from the termination from the pre-release, I was denied due process to speak on my own behalf. Steven Hurd replaced Brad Newman from the initial hearing and also as Board Chairman. The MASC grievance coordinator is now the BOPP Chief of Staff, the individual who decided the grievance that included him while at MASC. He denied and rejected my rescission hearing due process claim regarding the right to speak on my own behalf - testify.

Habeas Corpus affords applicants an opportunity to challenge collaterally the legality of their present incarceration.
Lott v. State, 2006 MT 279, 99, 334 Mont. 270, 150 P.3d 357.

The Department may consider [a commitments] history... and place an offender appropriately pursuant to Montana law.
Hall v. Salmonsen, 417 Mont. 555, *5 (2024). Accord Throckmorton v. Guyer, 2019 Mont. LEXIS 1080 at *4 and *5. Providing SPR for Throckmorton based upon his violations, pending charges, public safety concern and missing 43 alcohol tests. With the issue refrained based on a pending warrant. The DOC concluded that the active warrant admission along with violations of conditional

release were basis to sanction and change of placement per the DOC's policies and procedures. In Brasda v. Kaululaau, 2019 Mont. LEXIS 929, * 1 and * 2, Brasda was arrested, he was on conditional release from an assault with a weapon sentence. He had a disciplinary hearing concerning his violations of conditional release because of failure to report to his parole officer, travel condition non-compliance, absconding, and committing new offenses. Upon this, his parole officer submitted an SPR.

The basis for the DOC to sanction and change of placement of my person was never appropriate and lead to further reprisal.

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:

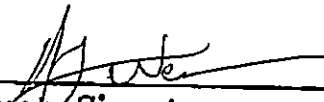
that this court appoint counsel, order the state to
respond, set an evidentiary hearing, and upon determining
the truth of Petitioner's claims, order jurisdiction over my
person returned to the Dept of Corrections, placement on conditional
release (probation), and possible relief this Court believes Petitioner is entitled.

VERIFICATION

STATE OF ^{MISSISSIPPI} ~~MONTANA~~)
) : ss.
 County of Tallahatchie)

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 24th day of April, 2025.


 Inmate Signature

ANTHONY WEIMER
 Printed Name

CERTIFICATE OF MAILING (SERVICE)

I hereby certify that on 25th April, 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)

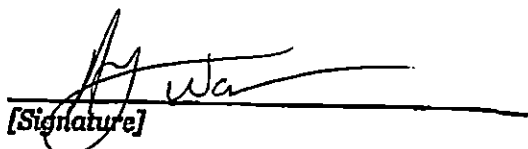
Office of the Attorney General

P. O. Box 201401

Helena, MT 59620-1401

or

_____ County Attorney (see INSTRUCTIONS #9)
[Write name of County]


[Signature]

ANTHONY WEIMER
[Print name]