

Kevin V. Leatherbarrow
Tony R Rosales
R. Jake Green
Bart J. Crabtree
P.O. Box # 32
Great Falls, MT. 59403-0032
406-217-1905
TheCascadeEffect406@gmail.com

IN THE SUPREME COURT OF THE STATE OF MONTANA

SUPREME COURT CAUSE OP-25-0417

KEVIN V. LEATHERBARROW, SUI JURIS;
TONY R. ROSALES, SUI JURIS; R. JAKE
GREEN, SUI JURIS; BART J. CRABTREE,
SUI JURIS,

PLAINTIFFS,

VS.

THE EIGHTH JUDICIAL DISTRICT COURT
OF MONTANA, JUDGE ELIZABETH BEST
PRESIDING, CASCADE COUNTY SHERIFF
DEPUTY JACOB TRI, CASCADE COUNTY
SHERIFF JESSE SLAUGHTER, AND
CASCADE COUNTY ATTORNEY JOSHUA
RACKI,

RESPONDENTS.

**PLAINTIFFS PETITION FOR WRIT OF
MANDAMUS WITH ORIGINAL
PETITION FOR GRAND JURY IN
SUPPORT OF. CAUSE BDV-25-0015, THE
MONTANA EIGHTH JUDICIAL
DISTRICT COURT, CASCADE COUNTY**

PLAINTIFFS PETITION FOR WRIT OF MANDAMUS WITH ORIGINAL PETITION FOR GRAND JURY IN
SUPPORT OF. CAUSE BDV-25-0015, THE MONTANA EIGHTH JUDICIAL DISTRICT COURT, CASCADE
COUNTY - 1

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ORIGINAL

FILED

JUN 17 2025

Bowen Greenwood
Clerk of Supreme Court
State of Montana

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MONTANA EIGHTH JUDICIAL
DISTRICT COURT, CASCADE COUNTY**

1 **PLAINTIFFS PETITION FOR WRIT OF MANDAMUS WITH ORIGINAL**
2 **PETITION FOR GRAND JURY IN SUPPORT OF.**
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4

5 COMES NOW THE PLAINTIFFS Kevin V. Leatherbarrow, Tony R. Rosales, R. Jake Green,
6 and Bart J. Crabtree, to petition the above-named court for a WRIT OF MANDAMUS directing
7 Montana's Eighth Judicial District Court Judge Elizabeth Best to impanel a Citizens Grand Jury
8 in Cause No. BDV-25-0015, Cascade County, and show support in this petition.
9

10
11 **THE CONSTITUTION OF THE STATE OF MONTANA**
12 **ARTICLE VII. THE JUDICIARY**
13 **Part VII. THE JUDICIARY**
14 **Supreme Court Jurisdiction**

15 **Section 2. Supreme court jurisdiction. (1) The supreme court has appellate jurisdiction**
16 **and may issue, hear, and determine writs appropriate thereto. It has original jurisdiction to**
17 **issue, hear, and determine writs of habeas corpus and such other writs as may be provided**
18 **by law.**

19 **FACTS AND HISTORY**

20 On Monday, January 13, 2025 at approximately 11:00 a.m. the 8th Judicial District Court clerk in
21 Cascade County formally filed Petitioners Leatherbarrow, Rosales, Green, and Crabtree's
22 Petition for a Grand Jury to be seated in Cascade County to investigate the shooting death of
23 Cascade County citizen Michael Hanson by Cascade County Sheriff's Deputy Jacob Tri. By 1:30
24 p.m. that day District Court Judge Elizabeth Best denied Petitioners request (**Binder**). There are
25 no statutes prohibiting citizens of the State of Montana to petition any Montana District Court for
26 the impaneling of a Grand Jury.
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1 Article II, Part II, Section 20 (2) of our Montana State Constitution states ***“A Grand Jury shall***
2 ***be drawn and summoned only at the discretion and order of the district judge.”***

3 Furthermore, MCA Title 3, Chapter 15, Part 6, Section 1 states ***“Whenever in the opinion of the***
4 ***district court judge a Grand Jury is necessary, the judge shall make an order directing a***
5 ***Grand Jury be drawn and summoned to attend before the court.***
6

7
8 Petitioners submit to this court that District Court Judge Elizabeth Best did not use acceptable or
9 sound discretionary judgement in reviewing and subsequently denying Petitioners request for a
10 Citizens Grand Jury. Petitioners brief, the coroner’s inquest transcripts, and documentation show
11 overwhelming and compelling evidence that judicial deception was employed at the county level
12 and that the shooting death of Michael Hanson did not occur as was testified and portrayed to a
13 jury at the coroner’s inquest in June of 2024 in Cascade County. Furthermore, laws were violated
14 by Deputy Tri leading to, and escalating, the shooting event costing Michael Hanson his life.
15

16 Additionally, Petitioners call this Court's attention to the recent U.S. Supreme Court decision in
17 Barnes v. Felix, 605 U.S. (2025), No. 23-1239, which clarified the proper scope of judicial
18 inquiry under the Fourth Amendment in cases involving alleged excessive use of force by law
19 enforcement. In that case, the Court unanimously rejected the “moment-of-threat” doctrine
20 applied by the Fifth Circuit, ruling that courts must assess the totality of the circumstances rather
21 than isolating their review to the final seconds before a law enforcement officer's use of deadly
22 force. Writing for the Court, Justice Kagan emphasized that “a court deciding a use-of-force case
23 cannot review the totality of the circumstances if it has put on chronological blinders” and that
24 such an approach “conflicts with this Court’s instruction to analyze the totality of the
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1 circumstances.” (Barnes, Slip op. at 9). This holding directly supports Petitioners’ argument that
2 the Eighth Judicial District Court Judge Elizabeth Best failed to properly exercise sound
3 discretion under both statutory and constitutional principles by dismissing the petition for a
4 Grand Jury without reviewing the totality of the circumstances surrounding the death of Michael
5 Hanson. Just as in Barnes, where context prior to the officer’s immediate decision to shoot was
6 deemed legally relevant, so too must the broader context surrounding Deputy Jacob Tri’s actions
7 be fully reviewed by a citizen Grand Jury, including investigative discrepancies presented during
8 the coroner’s inquest. Petitioners respectfully submit that Barnes v. Felix reinforces the need for
9 judicial accountability and comprehensive fact-finding when reviewing official use-of-force
10 incidents—underscoring the imperative that this Court issue a writ compelling the impaneling of
11 a Citizens Grand Jury in Cause No. BDV-25-0015.
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15 **MCA 27-26-102(1) states “*A writ of Mandamus may be issued by the supreme court....to***
16 ***compel the performance of an act that the law specifically enjoins as a duty resulting from an***
17 ***office...*”**
18

19 **Additionally, MCA 27-26-102(2) states “*The writ MUST be issued in all cases in which there***
20 ***is not a plain, speedy, and adequate remedy in the ordinary course of law.*”**
21

22
23 Because there is, clearly, “not a plain, speedy, and adequate remedy in the ordinary course of
24 law” to pursue this gross act of injustice on the citizens of Montana, it is necessary for this court
25 to properly issue a Writ of Mandamus to the lower Eighth Judicial District Court to move
26 forward and impanel a Grand Jury consisting of 11 citizens of Cascade County.
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1 On or about February 3, 2025, 18 days after Judge Best denied Petitioners request for a Grand
2 Jury, Petitioners filed a "Petition for a Writ of Mandamus" with this court. On February 24, 2025
3 this court filed an order stating:

4 "The parties have confused an original proceeding with a direct appeal. A writ of mandamus,
5 also known as a mandate, is specific and statutorily driven. While this matter was filed as an
6 original proceeding, pursuant to M. R. App. P. 14(2), the parties have not properly pled a request
7 for a writ of mandamus." The parties are now here to do just that.

8
9 The parties were simply appealing (invoking) this court for a Writ of Mandamus to the Montana
10 Eighth Judicial District Court. They were awaiting a notice from this court to commence the
11 submission of all relevant and requisite materials in cause BDV-25-0015 in the Eighth Judicial
12 District Court. Herein included is said materials.

13
14 The Montana Supreme Court has shown flexibility in its approach to self-represented litigants,
15 allowing them a certain amount of latitude in the judicial process. This flexibility is intended to
16 accommodate the needs of those who prefer to represent themselves, in this case the citizens of
17 Montana. It is also emphasized that this latitude cannot be so wide as to prejudice the other party,
18 which is clearly not the case here. Antithetically, to deny the Grand Jury to the Citizens of
19 Montana would be prejudicial. In *Hall v Hall*, 2005 it was cited that self-represented litigants
20 should be granted some degree of latitude. *Greenup v. Russell*, 2000 MT 154, ¶ 15, 300 Mont.
21 136, 3 P.3d 124. While we recognize that this does not mean self-represented parties are to be
22 granted exemptions from the rules of procedure governing our system of justice, neither are they
23 to be unduly obstructed in their attempts to access that system of justice. Petitioners and the
24 citizens of Montana are being unduly obstructed and thwarted in their pursuit to access that
25 justice. The citizens of Cascade County and Montana cannot stand idly by while the judicial
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1 system perpetuates a gross injustice that undermines the foundational promise of equal protection
2 under the law. Undeniably, the Cascade County Sheriffs Office and the Cascade County
3 Attorneys office failed and refused to adequately investigate this case.
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6 **Precedence, Rulings and the Constitution**

7 The Federal Rules of Criminal Procedure 6(a)(1) stipulate that "When the public interest so
8 requires, the court must order that one or more Grand Juries be summoned." This extends to the
9 States as well.
10

11
12 In U.S. v Williams 112 S.Ct. 1735, 504 U.S. 36, 118 L.Ed 2d 352 (1992) Justice Antonin Scalia
13 confirmed the American Grand Jury is neither part of the judicial, executive, or legislative
14 branches of government but instead belongs to the People, governed and administered to directly
15 by and on behalf of the American People and its authority emanates from the Bill of Rights.
16 Thus, Citizens have the unbridled right to impanel their own Grand Juries.
17

18
19 In State Ex Rel. Woodahl v. DISTRICT COURT OF FIRST JD, 530 P.2d 780 (Mont. 1975), the
20 Montana Supreme Court ruled Per Curiam that:

- 21
22 1) "We believe the most compelling reason for calling a Grand Jury would be the failure of
23 those charged with prosecution to carry out that responsibility.";
24 2) "The Grand Jury as constituted by the statutes of Montana is a local county function
25 designed to deal with the affairs of the county.";
26 3) "The Grand Jury is to.....prevent abuse of power by the State and County Attorneys."
27 (State v Vinn. 50 Mont 27, 34,144 P. 773);
28

1 4) "We need only say here that the people, that is ordinary citizens, have reserved to them
2 the right of the government. Litigants have long placed their Faith in ordinary citizens
3 sitting as a trial jury. So great is this Faith in the competency of ordinary citizens that the
4 right to trial by jury has been given Constitutional stature. We cannot and do not accept
5 the thought that ordinary citizens would 'impede' the investigation. This was not raised
6 as a legal issue, and the district court's reason given is not a legal reason."

7 And in Hale v Henkel, 201 U.S. 43 (1906) the U.S. Supreme Court stated that the Grand Jury is
8 to act as a "protector of citizens against arbitrary and oppressive government action."

9
10 The Grand Jury remains an independent institution of the People and inspires public confidence
11 as it is both a sword investigating criminal conduct and a shield between the individual citizen
12 and the unrestrained power of the government.

13 Along with this Petition for a Writ of Mandamus are 7 copies of the original and complete
14 information submitted to the 8th Judicial Clerk of District Court that Judge Best presumably
15 reviewed prior to denying the impaneling of a Grand Jury to investigate the shooting death of
16 Michael Hanson in February of 2024 by Cascade County Sheriff's Deputy Jacob Tri, and the
17 subsequent Coroner inquest held in June of 2025. It is incumbent upon this court to review the
18 details and evidence provided therein, and reach a conclusory agreement to issue a Writ of
19 Mandamus to the Eighth Judicial District Court.
20

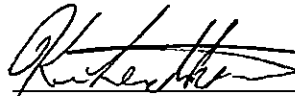
21 Wherefore, the premises considered, Petitioners pray that this Court grant the petition for a Writ
22 of Mandamus, and order that an answer to the petition be filed by the respondents Elizabeth Best
23 and that a Grand Jury be immediately impaneled to investigate this case.
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27 **THE PLAINTIFFS FURTHER CERTIFY:**
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3 **THE PLAINTIFFS FURTHER CERTIFY:**


- 4 1. That all available documents, including the brief for the calling of a Citizens Grand Jury,
5 all supporting exhibits, transcripts, and an audio recording from cause BDV-25-0015 had
6 been noticed to the Eighth Judicial District Court.
7
8 2. All affidavits of Truth and Jurat of the undersigned are included in each of the 7 binders
9 submitted to this court.
10
11 3. That contemporaneously with the filing of this petition for a Writ of Mandamus to the
12 Montana Supreme Court, notices have been sent to all respondents named herein.
13
14 4. That included previously was the filing fee prescribed by statute for \$100.00.

15 Dated this 11th day of June, 2025.

16 
17 Kevin V. Leatherbarrow, Sui Juris

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19 Tony R. Rosales, Sui Juris

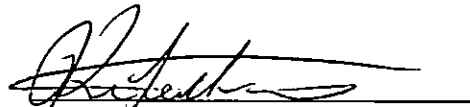
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21 R. Jake Green, Sui Juris

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23 Bart J. Crabtree, Sui Juris

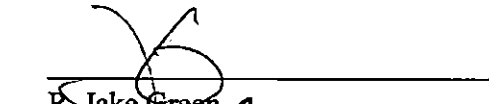

1
2 **Certificate of Service**

3 We the undersigned hereby certify that we have filed a true and accurate copy of the foregoing
4 Petition for Writ of Mandamus with the Clerk of the Montana Supreme Court, and that we have
5 served a true and accurate copy of the Petition for Writ of Mandamus upon: 1) The Eighth
6 Judicial District Clerk of Court in Cascade County, Montana; 2) Cascade County Sheriff Jesse
7 Slaughter; 3) Cascade County Sheriff Deputy Jacob Tri; and 4) Cascade County Attorney Joshua
8 Racki, by placing a copy of the foregoing with the USPS, postage prepaid, to their respective
9 business addresses

10 Dated this 11th day of June, 2025.

11 
12 Kevin V. Leatherbarrow

13 
14 Tony R. Rosales

15 
16 R. Jake Green
17 
18 Bart J. Crabtree

19 C: Montana Attorney Generals Office, P.O. Box #201401, Helena, Montana, 59620-1401
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28 PLAINTIFFS PETITION FOR WRIT OF MANDAMUS WITH ORIGINAL PETITION FOR GRAND JURY IN
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