

**ORIGINAL**

**FILED**

06/30/2025

Bowen Greenwood  
CLERK OF THE SUPREME COURT  
STATE OF MONTANA

Case Number: OP 25-0453

Paul L Campbell  
Inmate Name

2098657  
Inmate ID or AO#

Montana State Prison  
Facility of Incarceration

700 Deer Lodge Conley Lake Rd  
Address of Facility

Deer Lodge                      MT                      59722  
City                                      State                                      Zip

**FILED**

JUN 30 2025

Bowen Greenwood  
Clerk of Supreme Court  
State of Montana

**IN THE SUPREME COURT OF THE STATE OF MONTANA**

No. \_\_\_\_\_  
[The Clerk of Court will assign a number]

Paul Campbell      Cause no. DC 05-44  
NAME

PETITIONER,

v.

Jim Salmonsen, Warden  
NAME OF WARDEN/FACILITY ADMINISTRATOR,

RESPONDENT.

**Petition for a Writ  
of  
Habeas Corpus**

I, Paul Campbell, 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. /sentence

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.

- Fundamental Error: [Plain Error] - Campbell, Paul Sentence.  
Authority: MCA 46-11-201 "Leave to file information" (2) An application must be by affidavit supported by evidence that the Judge or chief justice may require. If it appears that there is probable cause to believe that an offense has been committed by the defendant, the judge or chief justice shall grant leave to file the information, otherwise the application is denied...
- Montana's Constitution section 20 Article II "Declaration of Rights."
- Montana's Constitution section 17 Article II "Declaration of Rights."
- State ex rel., Juhl v. District Court (1938), 107 Mont. 309, 312-13, 84 P. 2d 979, 981. "In State v. Martin, 29 Mont. 273, 74 P. 725, it was said "obtaining leave to file an "information" without a previous examination -

of the accused before a committing magistrate is not a mere perfunctory matter which should be granted as of course, but rests in the sound discretion of the District Judge, upon the showing made to Him at the time."

• "Criminal Law" --- Penal Statutes with Respect to commencement of Prosecution to be strictly followed (MT) (2) It is the policy of the law that there shall be a strict construing of penal statutes in the interest of the Accused, & a strict compliance with legislative requirements concerning the commencement of criminal prosecution. Mc Swane v. State, 200 Ind. 548, 165 N.E. 319

• State ex rel. Foot v. District Court, 81 Mont, 495, 501, 263 P. 79, 981 "The Law seeks no unfair advantage over a defendant, but is watchful to see that the proceeding under which his Life, Liberty is at stake shall be fairly & impartially conducted"

• Fundamental Error [Plain Error] is defined in the Blacks Law Dictionary as an error "so prejudicial to the rights of a defendant as to make a fair trial an impossibility". This error type states the trial counsel isn't required to make an objection in order to preserve the error... Leaving the harmless error analysis standard non-reversible to this Court, and in order to qualify as a Fundamental Error, the error must be so blatant of a violation of basic principles rendering the trial unfair to the "Due Process" rights of the defendant. this error require reversal.

[Use extra pages if necessary]

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Mr Campbell the Defenant/Plaintiff in showing the Authority's has clearly shown that Authority's "Word" of Shall makes this mandatory and strict compliance, to do any thing else is to then seek a unfair advantage of the penal statute and case [LAW] in which takes a unfair advantage of the accused Mr Campbell.

It's clear the examination and commitment in this case has never been obtained by a District Judge in order to Grant leave to file information this Court must find the Application denied and Mr Campbell sentence void do to a "Secretary" determination and or granting of both "leave to file" and the "Amended leave to file" and by doing so leaves Courts findings and conclusions void and the record must then be expuged for violations of Due process of Both the U.S 14<sup>th</sup> Amend, and section 17 of Montana Constitution along with violation of Statute's [LAW] and to do any thing more would be a violation of Montana's own case LAW Foot v. District Court, 81 Mont. 495, 501, 263 P. 979, 981 " be seeking a unfair advantage.

[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:

and the record expunged...

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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 23 day of June, 2025.

Paul J Campbell  
Inmate Signature

Paul J Campbell  
Printed Name

**CERTIFICATE OF MAILING (SERVICE)**

I hereby certify that on 6-23, 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]

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Paul Campbell  
[Signature]

Paul Campbell  
[Print name]