

ORIGINAL

FILED

07/02/2025

Bowen Greenwood  
CLERK OF THE SUPREME COURT  
STATE OF MONTANA

Case Number: OP 25-0276

IN THE SUPREME COURT OF THE STATE OF MONTANA

OP 25-0276

FILED

JUL 01 2025

Bowen Greenwood  
Clerk of Supreme Court  
State of Montana

SHANE BRYAN JOHNSON,

Petitioner,

v.

ORDER

COMMANDER SHERYL ZIEGLER and  
CAPTAIN HASH, Missoula County  
Detention Facility,

Respondents.

Shane Bryan Johnson has filed a Petition for Writ of Habeas Corpus, indicating that his sentence is calculated incorrectly and that his incarceration is illegal. Johnson contends that Flathead County District Court erred when it ran a sentence consecutively to a sentence that did not exist, referencing a federal sentence. *See State v. McGuire*, 260 Mont. 386, 388, 860 P.2d 148, 149-50 (1993) (“sound sentencing principles preclude a court from imposing a sentence consecutive to one not yet imposed.”). He also states that he is due additional credit for time served. In compliance with this Court’s Order, the State of Montana responds that Johnson’s Petition should be denied because his sentence is valid.

The State provides more details of Johnson’s sentencing background. On December 31, 2020, the State charged Johnson with felony theft in the Flathead County District Court, and the court issued an arrest warrant. The State and Johnson entered into a plea agreement. On May 20, 2021, the District Court accepted his guilty plea and sentenced Johnson to the Montana State Prison for a three-year, suspended term. The court granted Johnson 141 days of credit for time served and ran his sentence consecutively “**to any Federal Sentence.**” (Emphasis in original.)

Turning to his federal case, Johnson was charged with conspiracy and interstate transportation of stolen vehicles in the United States District Court for the District of Montana on March 25, 2021, which was prior to his state sentencing. On November 4, 2021, the federal court sentenced Johnson for interstate transportation of stolen vehicles to three years of supervised release. The federal court has revoked Johnson's supervised release for various violations twice—on September 24, 2024, and on April 8, 2025.

The State explains that while Johnson was in federal custody, he filed his instant Petition with this Court. Upon review of his sentence calculation, the State further explains that on May 20, 2021, Johnson had no federal sentence in place when he received his sentence from the Flathead County District Court, and the State includes an affidavit from the MSP Records Department Bureau Chief, attesting to this fact as well as the fact that Johnson was not arrested for the federal charges until the next day—May 21, 2021. According to the sentence calculation, the State provides that with credit for jail time served, Johnson began serving his three-year suspended term on December 30, 2020, and that his sentence from the Flathead County District Court expired on December 30, 2023, prior to any revocation of his federal sentence. While the District Court mistakenly ran Johnson's sentence consecutively to a non-existent federal sentence, the State points out that the error was not applied in his sentence calculation. Johnson was serving his three-year suspended term because it was the first sentence he originally received.

The State maintains that Johnson received all the credit that he was due in his sentence from the Flathead County District Court. The State adds that while his sentence was originally interpreted to run consecutively to the federal sentence, the error has been corrected. The State concludes that no further action is needed because Johnson has since discharged his sentence from the Flathead County District Court.

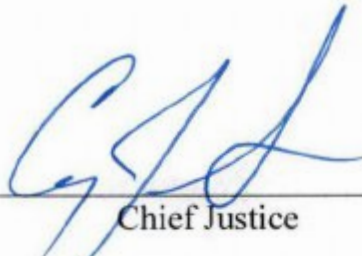
We agree. Johnson is not serving an illegal sentence, and he is not entitled to habeas corpus relief. Section 46-22-101(1), MCA. He does not need a new sentence calculation. Accordingly,

IT IS ORDERED that Johnson's Petition for Writ of Habeas Corpus is DENIED and DISMISSED.

IT IS FURTHER ORDERED that this matter is CLOSED as of this Order's date.

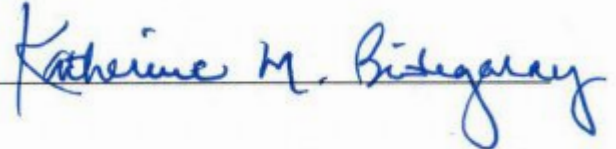
The Clerk is directed to provide a copy of this Order to counsel of record and to Shane Bryan Johnson personally.

DATED this 1<sup>st</sup> day of July, 2025.

  
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Chief Justice

  
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Justices