

ORIGINAL

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07/01/2025

Bowen Greenwood
CLERK OF THE SUPREME COURT
STATE OF MONTANA

Case Number: OP 25-0417

IN THE SUPREME COURT OF THE STATE OF MONTANA

OP 25-0417

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Bowen Greenwood
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State of Montana

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

Petitioners,

v.

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,

ORDER

Respondents.

Petitioners Kevin V. Leatherbarrow, Tony R. Rosales, R. Jake Green, and Bart J. Crabtree (hereinafter the Petitioners) have filed a Petition for Writ of Mandamus in this Court, seeking a Citizen's Grand Jury in the Eighth Judicial District Court, Cascade County, after the District Court denied their Formal Petition for such relief on January 13, 2025.¹ The Petitioners state that they filed their "Petition for a Grand Jury to be seated in Cascade County to investigate the shooting death of Cascade County citizen Michael Hanson by [a] Cascade County Sheriff's Deputy []." They state that they do not have an adequate remedy of appeal. They posit that "[t]here are no statutes prohibiting citizens of the State of Montana to petition any Montana District Court for the impaneling of a Grand

¹ On February 24, 2025, this Court dismissed, without prejudice, the Petitioners' first writ for extraordinary relief due to their confusion of an original proceeding with a direct appeal. *Leatherbarrow et al., v. Mont. Eighth Jud. Dist. Ct.*, No. OP 25-0127, Order (Mont. Feb. 24, 2025).

Jury.” The Petitioners request an answer from the Respondents “and that a Grand Jury be immediately impaneled to investigate this case.”

However, the Petitioners do not have standing. “Standing is a threshold jurisdictional requirement . . . that a court must evaluate at every stage of litigation.” *Gottlob v. Desrosier*, 2025 MT 56, ¶ 11, 421 Mont. 176, 565 P.3d 1196 (internal citation omitted). “[S]ubject matter jurisdiction refers to a court’s power to hear a particular type of case[;] [s]tanding, on the other hand, refers to the threshold justiciability requirement that a plaintiff have a personal stake in a particular case.” *Ballas v. Missoula City Bd. of Adjustment*, 2007 MT 299, ¶ 14, 340 Mont. 56, 172 P.3d 1232 (citations omitted). In *Ballas*, this Court explained that the general term, jurisdiction, “encompasses subject matter jurisdiction, personal jurisdiction, issue jurisdiction, and constitutional requirements, such as ripeness and standing.” *Ballas*, ¶ 15. Contrary to their assertions, the Petitioners do not have a personal legal stake in the outcome of the coroner’s inquest of the subject shooting.

This Court has reviewed the Petitioners’ pleadings and attachments. A jury of inquest was convened, and the proceeding conducted for the purposes permitted thereby. See § 3-15-105, MCA (“A jury of inquest is a body of persons summoned from the citizens of a particular district before the sheriff, coroner, or other ministerial officer to inquire concerning particular facts.”). Further, “[a]n inquest is a formal inquiry into the causes of and circumstances surrounding the death of a person and is conducted by the coroner before a coroner’s jury.” Section 46-4-201, MCA. “In holding an inquest the coroner acts judicially.” *State v. Allison*, 116 Mont. 352, 355, 153 P.2d 141, 142 (1944) (citations omitted). The jury was composed of seven members or jurors, pursuant to § 46-4-202, MCA, and a peace officer coroner of another jurisdiction conducted the inquest, pursuant to § 46-4-201(4)(b), MCA.

A writ of mandamus, also known as mandate, is specific and statutorily driven. To state a claim for mandamus, a party must show entitlement to the performance of a clear legal duty by the party against whom the writ is directed and the absence of a plain, speedy,

and adequate remedy at law. Section 27-26-102, MCA; *Smith v. Missoula Cnty.*, 1999 MT 330, ¶ 28, 297 Mont. 368, 992 P.2d 834.

We conclude that the Petitioners have not demonstrated a clear legal duty of the District Court nor have they demonstrated that they are entitled to the performance of this duty as alleged. Section 27-26-102(1), MCA; *Smith*, ¶ 28. Accordingly,

IT IS ORDERED that the Petitioners' Petition for Writ of Mandamus is DENIED and DISMISSED.

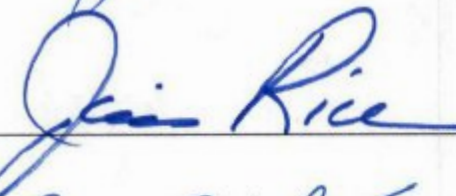
IT IS FURTHER ORDERED that this matter is CLOSED as of this Order's date.

The Clerk is also directed to provide a copy of this Order to: the Honorable Elizabeth Best, District Court Judge; Jesse Slaughter, Cascade County Sheriff; Jacob Tri, Cascade County Sheriff's Deputy; Joshua Racki, Cascade County Attorney; Tina Henry, Clerk of District Court, under Cause No. DV-25-0015; and Kevin V. Leatherbarrow, Tony R. Rosales, R. Jake Green, and Bart J. Crabtree.


DATED this 1st day of July, 2025.



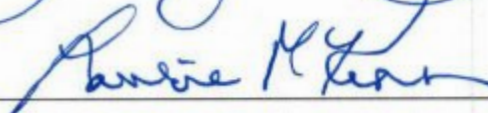
Chief Justice




Justice



Justice



Justice



Justices