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ORIGINAL

FILED

07/09/2025

Bowen Greenwood
CLERK OF THE SUPREME COURT
STATE OF MONTANA

Case Number: OP 25-0486

FILED

JUL 09 2025

Bowen Greenwood
Clerk of Supreme Court
State of Montana

TYRONE LEE RISHER
Inmate Name

2034355
Inmate ID or AO#

Yellowstone County Detention Facility
Facility of Incarceration

3165 King Ave East
Address of Facility

Billings MT 59101
City State Zip

IN THE SUPREME COURT OF THE STATE OF MONTANA

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

TYRONE LEE RISHER
NAME

PETITIONER,

v.

Petition for Writ of
Habeas Corpus

JIM SALMONSEN (MSP) / Captain Smart YCDF
NAME OF WARDEN/FACILITY ADMINISTRATOR,

RESPONDENT.

I, Tyrone Lee Risher, 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 *either* good time *or* street 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.

• In Oct. 2021 Risher was conditionally released to the Butte Pre-Release Center (B.P.R.C) where he was made to sign the terms of the community program under duress • Feb. 2022 while on conditional release (C.R), failed to return to B.P.R.C • C.R. being key here as to the level of supervision and the apprehension of Risher with a warrant makes proper due process applicable considering C.R. means to be released from custody with conditions • The court erred when it denied the motion to dismiss for unnecessary delay of 26 days from time of arrest with a warrant to initial appearance in STATE V. RISHER DC-22-58, supporting cases, STATE V. GRIBBLE 2018 MT

90 N. STATE V. NORVELL 2019 MT 105, STATE V. STROUG 2010 MT 1163 • Court precedent in the Supreme Court in STATE V. RISHER 2024 MT 309, states Risher was arrested on a warrant which acted as a detainer on his liberty which was 26 days that the supreme court found it justifiable to give Risher credit for time served, where Risher was held incommunicado from the courts, P&P and a lawyer, which I do argue, starts the timer for due process to begin • This sentence is illegal for multiple reasons, first, Risher was on C.R. which means released from custody with conditions but was made to sign an illegal agreement with the community program under duress, and because Risher was released to B.P.R.C from the START program with certain supervision conditions ultimately making it illegal to charge Risher with escape, secondly, Risher was arrested with a warrant on April 29th 2022 and held without seeing any judge, P&P officer or an attorney for 26 days, which is a direct violation of Risher's 5th amendment • Risher asked Jeff N. Wilson (appellate defender) to bring it up on direct appeal but was told in email he has an ethical obligation not to (unsure of the ethics he's going by) • In STATE V. RISHER and/or STATE V. TYROU LEE RISHER DC-22-58, Risher was told, because Jeff N. Wilson

[Use extra pages if necessary]

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ethical obligation he (Jeff Wilson) will not bring up the fact the Judge Ray Dayton told public defender Joe Connors that if his defendant, Tyrone Lee Risher, claim has any merit that he is ineffective assistance of counsel for submitting the motion to dismiss at the final pretrial conference which Judge Ray Dayton angrily accepted because trial was 4 weeks away. This didn't give the due process of 2wks for the prosecutor to answer, 2 weeks for the defendant to rebuttal and then 2 weeks for Judge Ray Dayton to check everything over before making a proper ruling hence why Judge Ray Dayton in open court at the final pretrial conference said, "If ^{the} defendant's claim has ANY merit then he (Joe Connors) will be I.A.C. Ineffective assistance of Counsel."

CERTIFICATE OF MAILING (SERVICE)

I hereby certify that on July 4th, 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]

Tyrone Lee Risher
[Signature]

Tyrone Lee Risher
[Print name]