

07/16/2025

Bowen Greenwood
CLERK OF THE SUPREME COURT
STATE OF MONTANA

Case Number: OP 25-0508

PATRICK T. MCJOSEPH

ORIGINAL

INMATE NAME:

299667

INMATE I.D. #

YELLOWSTONE CO. DETENTION FACILITY

FACILITY OF INCARCERATION:

N3/40 3165 KING AVE. EAST

ADDRESS OF FACILITY:

BILLINGS, MT 59101

CITY, STATE, ZIP:

In the Supreme Court of the
State of Montana

NO: _____

Mr. PATRICK T. McJOSEPH,

PETITIONER,

VS. CAPTAIN SMART

RESPONDENT.

Petition for
a writ of
Habeas Corpus

I, MR. PATRICK THOMAS McJOSEPH, AM REPRESENTING MYSELF PRO-SE, I AM IN COMPLIANCE WITH (F.R.C.P.) TO SUBMIT HANDWRITTEN MOTIONS TO THE COURT PER THE (P.L.R.A.) I BELIEVE THAT I AM ENTITLED TO A WRIT OF HABEAS CORPUS UNDER THE AUTHORITY OF § 46-22-101, MCA, FOR ONE

OR MORE OF THE FOLLOWING REASONS

- ☑ MY INCARCERATION IS ILLEGAL BECAUSE:
- ☑ PETITIONER HAS BEEN RELEASED ON HIS OWN RECOGNIZANCE ON DATE: JULY 10, 2025 FOR CASE NO: DC 2025-24 BY THE HONORABLE JUDGE, WALD OUT OF THE 22nd JUDICIAL DISTRICT COURT OF STILLWATER COUNTY.
- ☑ PETITIONER HAS TWO OUT OF JURISDICTION WARRANTS ONE OUT OF NEW JERSEY AND ONE OUT OF OREGON FOR CASE NO: 25CRI4483. FURTHERMORE NEITHER STATE IS WILLING TO EXTRADITE.
- ☑ ON DATE: 4/22/2025 PETITIONER HAD AN ARRAIGNMENT FOR MONTANA CHARGES AND A COURTEOUSY HEARING FOR OUT OF STATE JURISDICTIONAL WARRANTS BEFORE THE JUSTICE OF THE PEACE LEE A. CORNELL PARADOXICALLY PETITIONER WAS NOT PRESENTED WITH AN EXTRADITION WARRANT FURTHER VIOLATING HIS 14th AMENDMENT PROCEDURAL DUE PROCESS RIGHTS.

✓ PETITIONER MR. MC JOSEPH IS REQUESTING IMMEDIATE HABEAS CORPUS RELIEF FROM THIS HONORABLE COURT HE IS LANGUISHING IN Y.C.D.F. JAIL OF BILLINGS, MT. WITH NO FUTURISTIC COURT DATES, AN ALLEGED FUGITIVE WARRANT WHEN CONTRARILY A FUGITIVE WOULD HAVE A NO-BOND WARRANT DUE TO AN ABSCONDING FLIGHT RISK. ALL THE BOOKING SGT. OR CLERK SHOULD DO IS CALL AND OR CONTACT THE (N.C.I.C.) NATIONAL CRIMINAL INDEX CENTER IN ORDER TO ASCERTAIN THAT NEITHER STATE IS NOT WILLING TO EXTRADITE PETITIONER TO THEIR JURISDICTION.

— AS RELIEF I REQUEST THE —
— FOLLOWING —

✓ MY IMMEDIATE RELEASE FROM THIS UNDISPUTABLE UNDENIABLE, AND UNWARRANTED INSIDIOUS INCARCERATION AT Y.C.D.F. JAIL WHEN I'VE BEEN O.R.^{ed} IN THE STATE OF MONTANA AND HAVEN'T RECEIVED AN EXTRADITION WARRANT TO SIGN FROM: N.J. OR OREGON AND I'VE BEEN INCARCERATED SINCE: 4/18/2025

- VERIFICATION -

STATE OF
MONTANA COUNTY
OF YELLOWSTONE

SS.

I, PETITIONER 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 12th DAY OF JULY AD, 2025

RESPECTFULLY SUBMITTED, Patrick McJoseph (SIGN)
PATRICK MCJOSEPH (PRINT)

★ Certificate of ★
★ Service ★

I, HEREBY CERTIFY THAT ON 7/12/2025 JULY, I HAVE MAILED THIS PETITION FOR A WRIT OF HABEAS CORPUS, AS NOTED BY A CHECK MARK (✓), TO THE FOLLOWING ATTORNEY BY PLACING A HANDWRITTEN COPY IN THE UNITED STATES MAIL, POSTAGE PREPAID:

THE CLERK OF THE SUPREME COURT
P.O. BOX 203003
HELENA, MT 59620-3003

COUNTY ATTY OF BILLINGS
217 N. 27th ST. Ste.
BILLINGS, MT 701
59101