

ORIGINAL

FILED

07/22/2025

Bowen Greenwood  
CLERK OF THE SUPREME COURT  
STATE OF MONTANA

Case Number: OP 25-0494

IN THE SUPREME COURT OF THE STATE OF MONTANA

OP 25-0494

JOSEPH McGUIRE,

Petitioner,

v.

D.J. GODFREY, Warden,  
Crossroads Correctional Center,

Respondent.

FILED

JUL 22 2025

Bowen Greenwood  
Clerk of Supreme Court  
State of Montana

ORDER

Joseph McGuire has filed a Petition for Writ of Habeas Corpus, indicating that he is due credit for time served in a criminal case, dating back to 2023. He states that he received 106 days of credit for time served but that he is due an additional credit of 468 days. McGuire does not include any supporting documents.

Available electronic records indicate that McGuire appeared with counsel for sentencing on July 30, 2024, in the Third Judicial District Court, Powell County. In its Judgment, the District Court states that it held an arraignment on February 23, 2023, and informed him of the escape charge. The District Court committed McGuire for the escape conviction to the Department of Corrections for a three-year term to run consecutively to the underlying sentence. The District Court also stated: "The Defendant shall not receive any credit for time served, as he was incarcerated and serving time on an underlying sentence the entire time this case was pending and he was never held on the restriction of bail in the above-captioned matter."

While McGuire is not entitled to credit for time served totaling 574 days, he may be entitled to some credit. *See State v. Risher*, 2024 MT 309, 419 Mont. 395, 560 P.3d 1203. Therefore,

IT IS ORDERED that the Attorney General or counsel for the Department of Corrections is GRANTED thirty days from the date of this Order in which to prepare, file, and serve a written response together with other appropriate documentary exhibits.

The Clerk is directed to provide a copy of this Order to counsel of record and to Joseph McGuire personally.

DATED this 22<sup>nd</sup> day of July, 2025.

  
Justice