

ORIGINAL

FILED

07/22/2025

Bowen Greenwood
CLERK OF THE SUPREME COURT
STATE OF MONTANA

Case Number: OP 25-0469

IN THE SUPREME COURT OF THE STATE OF MONTANA

OP 25-0469

BLAINE ALLEN GIACHINO,

Petitioner,

v.

TWENTY-FIRST JUDICIAL DISTRICT COURT,
RAVALLI COUNTY, and
HONORABLE JENNIFER B. LINT,
Presiding,

Respondent.

FILED

JUL 22 2025

Bowen Greenwood
Clerk of Supreme Court
State of Montana

ORDER

Blaine Allen Giachino has filed a Petition for Writ of Supervisory Control over the Twenty-First Judicial District Court, Ravalli County, and District Court Judge Jennifer B. Lint. Giachino argues that the Ravalli County District Court erred when it denied his request for a waiver of court fees and costs in a June 19, 2025 Order.

Giachino provides his background. He states that he was arrested for misdemeanor driving under the influence on May 30, 2025, in Ravalli County. He has since appeared in the Ravalli County Justice Court and has a public defender to represent him. On June 18, 2025, Giachino filed a Petition to Reinstate Driving Privileges in the District Court after his driver's license was suspended during the traffic stop when Giachino refused to submit to sobriety tests. He mentions that he used the Montana Legal Services Association's form, titled Statement of Inability to Pay Court Costs and Fees. He further provides that in the District Court's denial of his request to waive filing fees, the court stated as the basis for the denial: "Petitioning for license reinstatement is a voluntary proceeding." Giachino filed a new statement within a week, and the Clerk of the District Court rejected the statement and closed the case.

“Supervisory control is an extraordinary remedy, reserved for extraordinary circumstances.” *Stokes v. Mont. Thirteenth Judicial District Ct.*, 2011 MT 182, ¶ 5, 361 Mont. 279, 259 P.3d 754. While this Court has supervisory control over all other courts, pursuant to the Montana Constitution, this Court recognizes that supervisory control is appropriate on a case-by-case basis. *Stokes*, ¶ 5. A petitioner must demonstrate a case with purely legal questions and urgent or emergency factors making the normal appeal process inadequate, and in this situation, the “other court is proceeding under a mistake of law, causing a gross injustice.” M. R. App. P. 14(3)(a).

This matter is an appropriate case for supervisory control. Giachino has advanced a purely legal question. Section 25-10-404, MCA, provides the definition of poor persons not required to prepay fees.

[A] person may request a waiver of fees by filing an affidavit, supported by a financial statement, stating that the person has a good cause of action or defense and is unable to pay the costs or procure security to secure the cause of action or defense. Except as provided in subsections (2) and (6), upon issuance of an order of the court or administrative tribunal approving a request for waiver of fees, the person may commence and prosecute or defend an action in any of the courts and administrative tribunals of this state and the officers of the courts and administrative tribunals shall issue and serve all writs and perform all services in the action without demanding or receiving their fees in advance, except the fees under 25-1-201(1)(d) and (1)(r).

Section 25-10-404(1), MCA.

The statute is not limited to proceedings which are involuntary. Moreover, “Montanans’ right of access to courts is enshrined in our Constitution. Mont. Const. art. II, § 16. That this access shall be afforded to all, regardless of ability to pay, has been guaranteed by Montana law since its territorial days.” *Deschamps v. Mont. Twenty-First Judicial District Ct.*, 2024 MT 15, ¶ 14, 415 Mont. 94, 542 P.3d 592. We have also stated that courts are bound by the statute’s plain meaning. “We have held that a court abuses its discretion if it bases its ruling on an erroneous view of the law or on a clearly erroneous assessment of the evidence.” *Deschamps*, ¶ 13 (citing *City of Missoula v. Girard*, 2013 MT 168, ¶ 10, 370 Mont. 443, 303 P.3d 1283 (internal citation omitted)). Reviewing this

statute, a person must demonstrate a good cause of action and show an inability to pay the costs. Giachino presented both. Further, he has already been determined to be indigent by the Office of the Public Defender (OPD) as that office represents him in the underlying proceedings. We conclude that the District Court erred as a matter of law when it denied Giachino's waiver to proceed without paying the filing fees on the basis that Giachino brought a voluntary proceeding. Further, it is difficult to imagine anything more necessary than having a license and a vehicle for transportation to and from employment and to address the need for acquiring other life necessities. Rather than remand to the District Court to assess Giachino's ability to pay the filing fees, we accept the OPD's determination of Giachino's indigency. Any further delay in his right to have a hearing is not justified.



Therefore,

IT IS ORDERED that:

1. Giachino's Petition for Writ of Supervisory Control is GRANTED;
2. Giachino's underlying matter is REMANDED to the Ravalli County District Court where the Clerk of District Court will REOPEN the case, and the District Court will GRANT Giachino's filed June 18, 2025 request for waiver of court costs and fees, allowing him to proceed without paying the filing fee as well as allowing his case to proceed before the District Court; and
3. this case is CLOSED as of this Order's date.

The Clerk is directed to provide immediately a copy of this Order to: the Honorable Jennifer B. Lint, District Court Judge; Paige Trautwein, Clerk of District Court, under Cause No. DV- 2025-209; counsel of record and Blaine Allen Giachino personally.

DATED this 22nd day of July, 2025.

Jose G. Hernandez

Angel Quintana

Jim Rice

Justices