

ORIGINAL

FILED

07/22/2025

Bowen Greenwood
CLERK OF THE SUPREME COURT
STATE OF MONTANA

Case Number: OP 25-0430

IN THE SUPREME COURT OF THE STATE OF MONTANA

OP 25-0430

ZACHARY J. NENTWIG,

Petitioner,

v.

DON BELL, Sheriff, Lake County
Detention Center,

Respondent.

FILED

JUL 22 2025

Bowen Greenwood
Clerk of Supreme Court
State of Montana

ORDER

Zachary J. Nentwig has filed a Petition for Writ of Habeas Corpus, requesting dismissal of his Lake County case due to an allegedly fraudulent charge, the late filing of the State's Information, and the District Court's lack of jurisdiction. Nentwig includes attachments.

This Court is familiar with Nentwig's background. The State sought to revoke his suspended sentence in June of 2024. Over the last year, the District Court continued the proceedings, and his Probation Officer filed several more Reports of Violations. On April 11, 2025, the Lake County District Court issued a warrant for Nentwig's arrest, which occurred the same day. He has been held in the Lake County Detention Center. Available electronic records indicate that on May 15, 2025, the District Court committed Nentwig to the Department of Corrections for a three-year term, awarding 320 days for time served/street time credit. On June 24, 2025, the District Court amended its judgment to include an additional twenty-five days of credit.

Nentwig challenged the State's commencement of prosecution last month. This Court denied and dismissed his Petition for habeas corpus relief. *Nentwig v. Bell*, No. OP 25-0340, Order, at 1-2 (Mont. Jun.3, 2025) (*Nentwig I*). We explained:

Nentwig's claim is based on the initial filing of the charges against him, which occurred in February 2021. He misinterprets § 46-11-203, MCA,

the statute for the time to file an Information. The State has thirty days *after* the District Court grants the State's Motion for Leave to File in a criminal case. Section 46-11-203(1), MCA (2023). (Emphasis added). The time does not apply to when Nentwig committed the offense. Further, when Nentwig pleaded guilty to the charged offense, he waived all non-jurisdictional defects and defenses, including claims of constitutional rights violations that occurred prior to the plea. *See State v. Lindsey*, 2011 MT 46, ¶ 19, 359 Mont. 362, 249 P.3d 491.

Nentwig I, at 1-2. We stated then that Nentwig is not entitled to a writ of habeas corpus directing dismissal of his case or his release from jail. *Nentwig I*, at 2.

Nentwig's argument about jurisdiction does not establish a new basis for habeas corpus relief. This Court has previously determined that the Confederated Salish and Kootenai Tribes of the Flathead Nation "consented to Montana's assumption of concurrent criminal jurisdiction through the enactment of Tribal Ordinance 40-A[.]" *Lozeau v. Anciaux*, 2019 MT 235, ¶ 10, 397 Mont. 312, 449 P.3d 830. The District Court has jurisdiction over Nentwig and his criminal case.

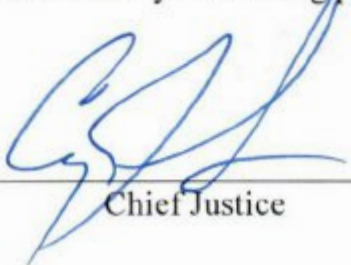
Nentwig is not entitled to dismissal of his case or to habeas corpus relief. Section 46-22-101(1), MCA.

IT IS THEREFORE ORDERED that Nentwig's Petition for Writ of Habeas Corpus is DENIED and DISMISSED.


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

The Clerk is directed to provide a copy of this Order to: the Honorable John Mercer, District Court Judge; Mary Rensvold, Clerk of District Court, under Cause No. DC-21-18, and for distribution to counsel there; counsel of record, and Zachary J. Nentwig personally.

DATED this 22nd day of July, 2025.



Chief Justice



Katherine M. Bidegaray

Angel Smith

John Rice

Justices