

ORIGINAL

FILED

07/22/2025

Bowen Greenwood
CLERK OF THE SUPREME COURT
STATE OF MONTANA

Case Number: OP 25-0493

IN THE SUPREME COURT OF THE STATE OF MONTANA

OP 25-0446 and OP 25-0493

EMERALD JOHN SPOTTED EAGLE,

Petitioner,

v.

DON BELL, Sheriff, Lake County
Detention Facility,

Respondent.

FILED

JUL 22 2025

Bowen Greenwood
Clerk of Supreme Court
State of Montana

ORDER

Self-represented Petitioner Emerald John Spotted Eagle has filed two Petitions for Writ of Habeas Corpus with this Court in less than three weeks. We consolidate his pleadings as captioned above.

Spotted Eagle first contends that the State was late in filing the charging document, or Information, by 449 days after the date of the offense. Secondly, he challenges the jurisdiction of the Lake County District Court and law enforcement because of his tribal affiliation. Spotted Eagle requests dismissal of his criminal case due to jurisdictional confusion and “unethical practice of Tribal Officer” In his other Petition, Spotted Eagle challenges his probation violation process and that he was arrested on June 17, 2025, without being brought in front of Adult Probation and Parole within seventy-two hours for a hearing. He concludes that their practices are unethical and requests dismissal of the Report of Violation.

From his attachments and available electronic records, we glean that the State charged Spotted Eagle on May 17, 2021, for felony criminal possession of dangerous drugs, committed on January 27, 2020. On February 27, 2025, the Lake County District Court imposed a deferred sentence of three years and gave Spotted Eagle sixteen days of credit for time served. In the Report of Violation, Spotted Eagle tested positive for

methamphetamine use and admitted to alcohol use on June 17, 2025. The Report also notes that as of April 7, 2025, Spotted Eagle had not entered into treatment program with a licensed treatment provider for his drug and alcohol use.

Under Montana law, Spotted Eagle was not entitled to a hearing within seventy-two hours of his arrest on June 17, 2025, because a bond amount was set in a timely fashion. On the same day of his June 17, 2025 arrest, the Probation Officer issued an Authorization to Pick Up and Hold Probationer, indicating a bond recommendation of \$50,000, thereby foregoing a hearing, pursuant to § 46-23-1012(3)(a)-(c), MCA. The attached District Court's Warrant of Arrest set the same bond amount on June 26, 2025, which is also the same date for the Probation Officer's Report of Violation filing, or ten days within the Pick Up and Hold Order, pursuant to § 46-23-1012(4), MCA.

Spotted Eagle is not entitled to dismissal of his criminal case. Spotted Eagle misapplies the statute about the filing of an Information or charging document. The time frame does not start when Spotted Eagle allegedly committed the offense in 2020. Section 46-11-203(1), MCA (2021), provides the time for filing an information, and "the prosecutor shall file within 30 days in the proper district court an information charging the defendant with the offense or any offense supported by probable cause." Here, the State filed a Motion and Supporting Affidavit for Leave to File an Information on May 17, 2021. The Lake County District Court issued an Order granting leave to file on May 21, 2021, and the State then filed its Information on the same day—well within the thirty-day window.

Turning to his other claims, the remedy of a petition for habeas corpus relief is not applicable here. Section 46-22-101(1), MCA. Spotted Eagle's argument about jurisdiction is not valid in a petition 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 Spotted Eagle and his criminal case.

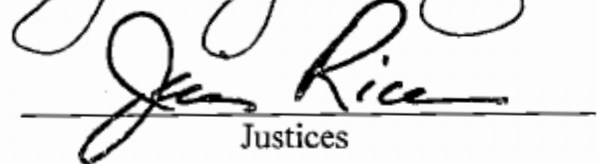

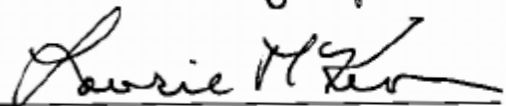
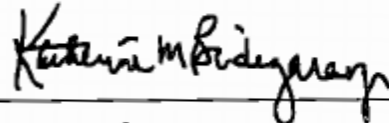
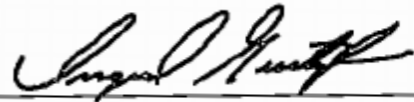
We conclude that Spotted Eagle has not demonstrated illegal incarceration. Spotted Eagle may seek an appeal when he receives a final judgment from the District Court. M. R. App. P. 4(5)(b)(i). Therefore,

IT IS ORDERED that Spotted Eagle's consolidated Petitions for Writ of Habeas Corpus are 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-21-135, and for distribution to counsel there; counsel of record, and Emerald John Spotted Eagle personally.

DATED this 22nd day of July, 2025.


Justices