

ORIGINAL

FILED

07/22/2025

Bowen Greenwood
CLERK OF THE SUPREME COURT
STATE OF MONTANA

Case Number: OP 25-0449

IN THE SUPREME COURT OF THE STATE OF MONTANA

OP 25-0449

ANDREW RAY WACHTMAN,

Petitioner,

v.

D.J. GODFREY, WARDEN,
CROSSROADS CORRECTIONAL CENTER,

Respondent.

FILED

JUL 22 2025

Bowen Greenwood
Clerk of Supreme Court
State of Montana

ORDER

Representing himself, Petitioner Andrew Ray Wachtman has filed a Petition for Writ of Habeas Corpus, contending that his criminal charge of felony theft of a motor vehicle should be dismissed because he was not arraigned until fifty-four days after being charged. Wachtman alleges violations regarding his initial appearance as well as his right to a quick and speedy trial.

Wachtman is currently incarcerated in the Crossroads Correctional Center, in Shelby, Montana, where he is serving a sentence from the Yellowstone County District Court, imposed on December 14, 2022.

We secured a copy of the court's docket sheet from the Lewis and Clark County District Court, where Wachtman's current charge is pending. On November 6, 2024, the District Court granted the State leave to file the Information, and counsel for Wachtman appeared six days later, on November 12, 2024. According to Wachtman's attached copy of a motion, the State moved on November 21, 2024, to continue the arraignment hearing and to allow Wachtman to appear from the Montana State Prison, which Wachtman's counsel opposed, raising the right to a speedy trial. The court set a date for December 3, 2024, and held the arraignment. Wachtman received different counsel on December 5, 2024, and the court held a bail modification hearing the next week. Since then, the court has issued its Omnibus Hearing Order on January 22, 2025.


Habeas corpus affords an applicant an opportunity to challenge collaterally the legality of his present incarceration. Section 46-22-101(1), MCA. Wachtman's present incarceration is due to his sentence from the Yellowstone County District Court. His claims about alleged violations are not appropriate for the remedy of habeas corpus because the claims do not go to the *cause* of his incarceration. *Gates v. Missoula County Comm'rs*, 235 Mont. 261, 262, 766 P.2d 884, 884-85 (1988) (emphasis added). Wachtman has counsel to represent him in his pending criminal case in the Lewis and Clark County District Court. If Wachtman is convicted, he may pursue an appeal of his conviction and sentence in which he may address the issues he has attempted to raise in this Petition. Section 46-20-104, MCA; M. R. App. P. 4(5)(b)(i). Therefore,

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

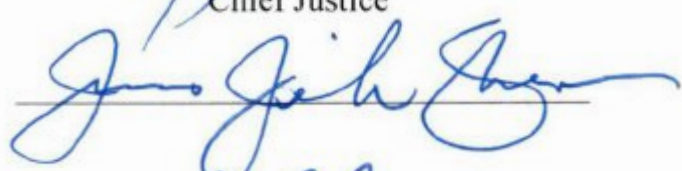
IT IS FURTHER ORDERED that this matter is CLOSED as of this Order's date.


The Clerk is directed to provide a copy of this Order to: the Honorable Michael F. McMahon; Lisa Kallio, Clerk of District Court, under Cause No. BDC-24-470; Daniel Baris, Deputy County Attorney; Andrew Betson, Defense Counsel; counsel of record, and Andrew Ray Wachtman personally.


DATED this 22nd day of July, 2025.



Chief Justice







Justices