

FILED

SEP 12 2025

Bowen Greenwood  
Clerk of Supreme Court  
State of Montana

Karson Russell, A Private Individual  
Flathead County, Montana  
P.O. Box 8960  
Kalispell, MT 59904  
karsonandmalia@gmail.com

*Karson Eugene Russell, in full legal capacity, sui juris*

**IN THE MONTANA SUPREME COURT**

<p>KARSON EUGENE RUSSELL, Petitioner, v. STATE OF MONTANA, Respondent.</p>	<p>Case No. OP 25-0614 <b>SUPPLEMENT TO PETITION FOR WRIT OF HABEAS CORPUS</b></p>
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COMES NOW, the Petitioner, Karson Eugene Russell, appearing pro se, and respectfully submits this Supplement to his Petition for Writ of Habeas Corpus filed in the above-captioned matter.

**I. Basis for Supplement**

This Supplement is filed to demonstrate that the State of Montana and the Eleventh Judicial District Court have materially breached Petitioner’s plea agreement, thereby rendering Petitioner’s continued probation unlawful and depriving him of due process.

## **II. Plea Agreement Terms**

On or about November 26th, 2024, Petitioner entered into a written Plea Agreement with the State of Montana in *Cause No. DC-24-224B*, Eleventh Judicial District Court, Flathead County.

The agreement provides, in relevant part:

1. *“Defendant reserves right to appeal motion to suppress.” (Exhibit E, p. 1, ¶ 1(b))*
2. *“The State agrees that the Defendant shall be entitled to withdraw from this agreement ... in the event the State fails to perform its obligations pursuant to this agreement.” (Exhibit E, p. 2, ¶ 2(k)(b))*

These provisions make clear that Petitioner preserved his appeal rights and retained the right to withdraw his plea if the State failed to perform. Plea agreements are treated as contracts, and the government must fulfill its promises. *Santobello v. New York*, 404 U.S. 257, 262 (1971); *State v. Keys*, 1999 MT 10, ¶ 12, 293 Mont. 81, 973 P.2d 812.

## **III. Breach of Agreement**

On July 17, 2025, the District Court orally pronounced the sentence. However, more than thirty (30) days have passed with no written judgment

entered, in direct violation of MCA § 46-18-116, which mandates that a written judgment be filed within thirty days.

As a result:

1. Petitioner remains subjected to probationary conditions: supervision, fees, home visits, restrictions of liberties, without lawful judgment authorizing them.
2. Petitioner is barred from filing his appeal, because the notice of appeal period does not commence until a written judgment is entered. This effectively denies Petitioner the expressly reserved right to appeal his motion to suppress (*Exhibit E, p. 1, ¶ 1(b)*).
3. The State's failure to perform further triggers Petitioner's right to withdraw his plea as expressly provided in the agreement (*Exhibit E, p. 2, ¶ 2(k)(b)*).

Thus, the plea agreement has been materially breached. Where the State fails to honor a plea agreement, due process requires either specific performance or allowing withdrawal of the plea. *Santobello*, 404 U.S. at 263.

#### **IV. Due Process Violation**

This breach results in an ongoing denial of due process under the Fourteenth Amendment to the United States Constitution and Article II, Sections 17 and 19 of

the Montana Constitution. Petitioner is restrained without lawful judgment and deprived of the bargained-for right to appellate review. This Court has recognized that when plea agreements are not honored, the fairness and integrity of the judicial process are undermined. *Keys*, 1999 MT 10, ¶ 13.

This denial of due process is not merely theoretical. Petitioner expressly reserved the right to appeal the denial of his suppression motion, yet he is barred from exercising that right until a written judgment is entered. The prejudice is concrete: the District Court's oral ruling relied on a radar "confirmation" of speed that the hearing transcript and video evidence failed to support. Petitioner does not raise this substantive issue here for habeas review, but rather to illustrate the significance of the appeal he is prevented from filing. Without a written judgment, Petitioner remains trapped in probationary restraint while being denied the very appellate remedy guaranteed by statute and contract.

#### **V. Relief Requested**

Petitioner supplements his prayer for relief as follows:

1. That this Court issue a writ of habeas corpus and order Petitioner's immediate release from unlawful probationary restraint;

2. In the alternative, that this Court compel the District Court of Flathead County to immediately enter a written judgment, enabling Petitioner to exercise his reserved appeal rights (*Exhibit E, p. 1, ¶ 1(b)*);
3. Alternatively, that this Court declare the plea agreement breached and permit Petitioner to withdraw his guilty plea in *Cause No. DC-24-224B*, as authorized by the agreement (*Exhibit E, p. 2, ¶ 2(k)(b)*) and recognized in *Santobello*, 404 U.S. at 263;
4. For such other and further relief as this Court deems just and proper.

DATED this 10<sup>th</sup> day of September, 2025.



Karson Eugene Russell, Petitioner

P.O. Box 8960

Kalispell, MT 59904

## CERTIFICATE OF COMPLIANCE

Pursuant to Rule 11 of the Montana Rules of Appellate Procedure, I certify that this Petition for Writ of Habeas Corpus is prepared in a proportionally spaced typeface (Times New Roman, 14 point font), is double-spaced except for indented quotations and footnotes, and contains fewer than 4,000 words, excluding the caption, tables, certificate of service, and this certificate of compliance.

DATED this 10<sup>th</sup> day of September, 2025.



Karson Eugene Russell, Petitioner

P.O. Box 8960

Kalispell, MT 59904

## VERIFICATION

I declare under penalty of perjury under the laws of the State of Montana  
that the foregoing is true and correct.

DATED this 10<sup>th</sup> day of September, 2025.

\_\_\_\_\_

Karson Eugene Russell, Petitioner

P.O. Box 8960

Kalispell, MT 59904

**CERTIFICATE OF SERVICE**

I hereby certify that on the 10<sup>th</sup> day of September, 2025, I caused a true and correct copy of the foregoing Petition for Writ of Habeas Corpus and attached Exhibits to be served by [U.S. Mail / hand delivery] upon:

Shelly Dargan, DOC Adult Probation & Parole, Region I, 121 Financial Dr  
Ste A, Kalispell, MT 59901 (Custodian)

John H. Donovan, Flathead County Attorney, 820 South Main Street,  
Kalispell, MT 59901

Austin Knudsen, Montana Attorney General, Justice Building, 215 N.  
Sanders St., Helena, MT 59620

DATED this 10<sup>th</sup> day of September, 2025.



Karson Eugene Russell, Petitioner

P.O. Box 8960

Kalispell, MT 59904