

ORIGINAL

FILED

09/23/2025

Bowen Greenwood
CLERK OF THE SUPREME COURT
STATE OF MONTANA

Case Number: OP 25-0647

IN THE SUPREME COURT OF THE STATE OF MONTANA

OP 25-0647

FILED

SEP 23 2025

Bowen Greenwood
Clerk of Supreme Court
State of Montana

WILLIAM E. ALLERY,

Petitioner,

v.

ORDER

JESSE SLAUGHTER,
Cascade County Sherriff,

Respondent.

William E. Allery has filed a Petition for Writ of Habeas Corpus, indicating that his incarceration is illegal because of “a clear violation of speedy trial rights.” He states that he has been in the Cascade County Jail since February 15, 2024, and that he has not waived his speedy trial rights. Allery adds that he only recently received discovery that shows prosecutorial misconduct. Allery requests this Court dismiss his charges with prejudice and release him from incarceration.

We secured a copy of the register of actions and a recent minute entry. As of February 21, 2024, the court has held Allery on a \$500,000 bond. Counsel represents Allery, and the court held a bond reduction hearing on July 21, 2025. The court denied his counsel’s motion.

Under Montana law, the applicability of a writ of habeas corpus states that “every person imprisoned or otherwise restrained of liberty within this state may prosecute a writ of habeas corpus to inquire into the cause of imprisonment or restraint and, if illegal, to be delivered from the imprisonment or restraint.” Section 46-22-101(1), MCA. Allery has not demonstrated illegal restraint or incarceration here. The cause of his incarceration is his pending criminal case in the Cascade County District Court. *Gates v. Missoula County Comm’rs.*, 235 Mont. 261, 262, 766 P.2d 884, 884-85 (1988). Allery is not entitled to his

release or dismissal of the charges.

Allery brings his arguments through the wrong remedy. The writ of habeas corpus is not the remedy to raise constitutional challenges or claims concerning the prosecution of a criminal case. *Gates*, 235 Mont. at 261-62, 766 P.2d at 884-85. Allery's remedy is an appeal of the final written judgment. M. R. App. P. 4(5)(b)(i); § 46-20-104(1), MCA. Therefore,

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

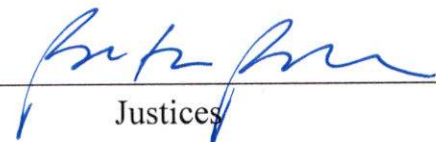
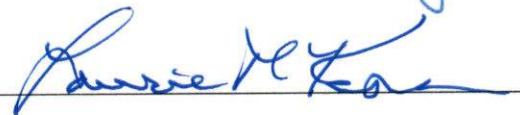

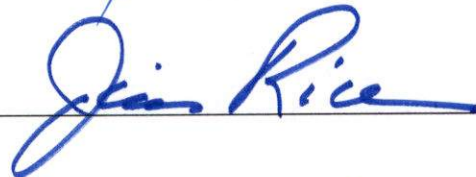
IT IS FURTHER ORDERED that this case is CLOSED as of this Order's date.

The Clerk is directed to provide a copy of this Order to: the Honorable Elizabeth Best, District Court Judge; Tina Henry, Clerk of District Court, under Cause No. BDC-2024-118; Michele Reinhart Levine, Cascade County Deputy Attorney; Benjamin M. Darrow, Defense Counsel; Sheriff Jesse Slaughter; counsel of record and William E. Allery personally.

DATED this 23rd day of September, 2025.



Chief Justice



Justices