

ORIGINAL

FILED

09/23/2025

Bowen Greenwood
CLERK OF THE SUPREME COURT
STATE OF MONTANA

Case Number: OP 25-0634

IN THE SUPREME COURT OF THE STATE OF MONTANA

OP 25-0634

FILED

SEP 23 2025

Bowen Greenwood
Clerk of Supreme Court
State of Montana

SHAYNE D. BERTELSEN,

Petitioner,

v.

ORDER

E. RUIZ, Warden,
Tallahatchie County Correctional Facility,

Respondent.

Shayne D. Bertelsen has filed a Petition for Writ of Habeas Corpus, wherein he states that “the ‘Attorney General’ and [former Chief Justice] ‘Mike McGrath’ have made a ‘Judgement [sic] of Habeas Corpus’ which entitled [him] to release from prison.” He adds that the Order may be found on this Court’s website.

This Court has no such Order because we have not granted Bertelsen any writ of habeas corpus. This Court’s records indicate that Bertelsen had an appeal in 2017. He recently sought habeas corpus relief, stating that he does not have a judgment to hold him in prison, jail, or a detention center. *Bertelsen v. Rosa*, No. OP 25-0490, Order (Mont. Aug. 5, 2025) (*Bertelsen II*). We provide that history.

A Cascade County jury found Bertelsen guilty of incest and tampering with a witness on January 25, 2017. On July 19, 2017, the District Court sentenced Bertelsen to the Montana State Prison for 100 years with fifty years suspended and a concurrent, ten-year term for the second felony. The court imposed a twenty-five-year parole eligibility restriction and awarded 361 days of credit for time served.

Through counsel, Bertelsen appealed, raising issues about the lack of a speedy trial and an illegal information technology fee. *State v. Bertelsen*, No. DA 17-0555, 2020 MT 88N, ¶ 1, 2020 Mont. LEXIS 1087 (Apr. 14, 2020). On April 16, 2019, we remanded “to the District Court for entry of findings of fact, conclusions of law, and a balancing analysis of the speedy trial factors set forth in *State v. Ariegwe*, 2007 MT 204, 338 Mont. 442,

167 P.3d 815.” *Bertelsen*, ¶ 6. We received the District Court’s Order that concluded the 411-day delay did not violate Bertelsen’s constitutional right to a speedy trial. We affirmed the District Court. *Bertelsen*, ¶¶ 9-17. For the second issue where both parties agreed that the fee was incorrectly applied, we reversed and remanded the matter to the District Court to correct the mistaken charge. *Bertelsen*, ¶ 18. On June 12, 2020, the District Court entered its Amended Judgment of Conviction and Sentence after Remittitur, applying the \$10 court information technology fee per user.

Bertelsen II, at 1-2. As stated before, Bertelsen is mistaken that he should be released or that he has a Judgment granting such release. *Bertelsen II*, at 2. He has a valid sentence, and he has not demonstrated an illegal sentence or illegal incarceration. Section 46-22-101(1), MCA. Bertelsen is not entitled to his immediate release or habeas corpus relief. Therefore,

IT IS ORDERED that Bertelsen’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 counsel of record and to Shayne Donald Bertelsen personally.

DATED this 23rd day of September, 2025.



Chief Justice









Justices