

ORIGINAL

FILED

09/23/2025

Bowen Greenwood  
CLERK OF THE SUPREME COURT  
STATE OF MONTANA

Case Number: OP 25-0614

IN THE SUPREME COURT OF THE STATE OF MONTANA

OP 25-0614

FILED

SEP 23 2025

Bowen Greenwood  
Clerk of Supreme Court  
State of Montana

KARSON EUGENE RUSSELL,

Petitioner,

v.

ORDER

STATE OF MONTANA,

Respondent.

Self-represented Petitioner Karson Eugene Russell has filed a Petition for Writ of Habeas Corpus, explaining that he “is currently restrained of his liberty under probation supervision imposed on July 17, 2025[,]” from the Flathead County District Court. He further contends that his right to appeal “is effectively blocked” because more than thirty days have elapsed since oral pronouncement of his sentence and he has not received a written version of the judgment, pursuant to § 46-18-116, MCA. Russell requests his “immediate release from the unlawfully imposed probationary conditions.” However, since the filing of his Petition, Russell has provided, on September 17, 2025, that he received a written Judgment and Sentence from the District Court and that he is seeking a direct appeal.

As he now states, Russell’s remedy is an appeal for his constitutional challenges and other claims. M. R. App. P. 4(5)(b)(i); § 46-20-104(1), MCA. *Cf. Gates v. Missoula County Comm’rs.*, 235 Mont. 261, 261-62, 766 P.2d 884, 884-85 (1988). Russell has not demonstrated illegal restraint here, and probation is defined as the court’s release without imprisonment. *See* §§ 46-22-101(1), and 46-23-1001(7), MCA. Therefore,

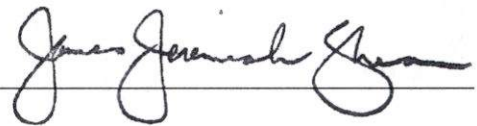
IT IS ORDERED that Russell’s Petition for Writ of Habeas Corpus is DENIED and DISMISSED.

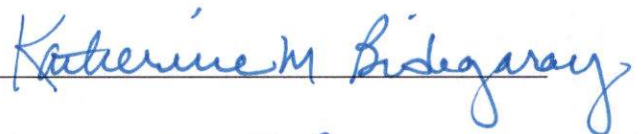
IT IS FURTHER ORDERED that this case is CLOSED as of this Order's date.

The Clerk is directed to provide a copy of this Order to counsel of record and to Karson Eugene Russell personally.

DATED this 23<sup>rd</sup> day of September, 2025.

  
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Justices