

**ORIGINAL**

**FILED**

09/29/2025

**Bowen Greenwood**  
CLERK OF THE SUPREME COURT  
STATE OF MONTANA

Case Number: OP 25-0683

## **MONTANA SUPREME COURT CIVIL COVER SHEET**

Case Title: Lindsey Rae Hoyt, Petitioner  
Case Type: Petition for Writ of Supervisory Control  
Lower Court: First Judicial District Court, Lewis & Clark County  
Judge: Hon. Christopher Abbott  
Case Numbers: DC-25-2023-000066-IN; DC-25-2023-606; DN-2023-65  
Filing Party: Lindsey Rae Hoyt, Pro Se  
Date Filed: September 29, 2025

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Bowen Greenwood  
Clerk of Supreme Court  
State of Montana

IN THE SUPREME COURT OF THE STATE OF MONTANA

STATE OF MONTANA,  
Plaintiff-Respondent,

v. Case No. \_\_\_\_\_

LINDSEY RAE HOYT,  
Defendant-Petitioner.

PETITION FOR WRIT OF SUPERVISORY CONTROL

COMES NOW Petitioner, Lindsey Rae Hoyt, appearing pro se, and respectfully petitions this Court to assume supervisory control over proceedings in the First Judicial District Court, Lewis and Clark County, Cause No. DDC-2023-606, the Honorable Judge Christopher Abbott presiding. Petitioner seeks relief from ongoing violations of her constitutional rights, judicial bias, and retaliation arising from improper reliance on Child Protective Services (CPS) reports, excessive pretrial conditions, and unlawful prosecution under a possession charge.

STATEMENT OF FACTS

1. Petitioner has been subject to CPS involvement since 2019, arising from false reports and retaliatory actions.
2. In 2023, reports made by Petitioner's landlord to CPS resulted in the loss of her trailer and stable housing. CPS subsequently removed Petitioner's child without lawful basis, amounting to state-sanctioned kidnapping.
3. On December 14, 2023, Petitioner was charged in a criminal case with possession of dangerous drugs. This charge was overseen by Judge Abbott, who simultaneously presides over her CPS matters, creating a clear conflict of interest and appearance of bias.
4. The possession charge arose from an unlawful search and seizure based on knowingly false CPS landlord reports, and from allegations that were dismissed in related proceedings. See Exhibit A (charging document/order issued under Judge Abbott).
5. Petitioner has been repeatedly jailed for alleged "noncompliance" with pretrial conditions, specifically the inability to pay for frequent drug testing. Petitioner continues to report weekly in person to Pretrial Services but cannot financially sustain testing fees.

6. Petitioner was incarcerated for approximately eight weeks and one day due to these conditions, despite no findings of drug use or misconduct. This punishment is based solely on poverty.

#### GROUND FOR RELIEF

1. Bias and Conflict of Interest: Judge Abbott's dual role as both CPS judge and criminal judge in Petitioner's matters violates due process and creates impermissible bias.

2. Retaliation: CPS and the County Attorney's Office have engaged in retaliatory targeting of Petitioner since 2019, resulting in repeated deprivation of liberty and parental rights.

3. Cruel and Unusual Punishment: Repeated incarceration for inability to pay for drug testing violates the Eighth Amendment to the U.S. Constitution and Article II, Section 22 of the Montana Constitution.

4. Due Process and Equal Protection: Reliance on knowingly false CPS reports and punishing Petitioner's poverty violates the Fourteenth Amendment to the U.S. Constitution.

5. Invalid Possession Charge: The December 14, 2023 possession charge was obtained through unlawful search and seizure and reliance on false CPS landlord reports. It is tainted by bias and retaliation, and should be vacated. See Exhibit A.

6. Case Law: The U.S. Supreme Court has held that it is unconstitutional to punish individuals solely for inability to pay. See *Bearden v. Georgia*, 461 U.S. 660 (1983); *Tate v. Short*, 401 U.S. 395 (1971). Montana precedent also requires that pretrial conditions not be more burdensome than necessary. See *State v. Strong*, 2009 MT 65, ¶ 20; *State v. Waters*, 2013 MT 101.

#### ARGUMENT

Petitioner satisfies the criteria for supervisory control. The District Court is proceeding unlawfully and unfairly by enforcing conditions that punish poverty, relying on biased CPS reports, prosecuting Petitioner under an invalid possession charge, and permitting judicial conflict of interest. Petitioner has no adequate remedy by ordinary appeal, as ongoing retaliation and incarceration cause immediate and irreparable harm. Supervisory control is necessary to prevent manifest injustice.

PRAYER FOR RELIEF

WHEREFORE, Petitioner respectfully prays that this Court:

1. Assume supervisory control over Cause No. DDC-2023-606 in the First Judicial District Court;
2. Remove Judge Abbott from presiding over Petitioner's matters due to conflict of interest and bias;
3. Vacate pretrial conditions requiring unaffordable drug testing and incarceration for inability to pay;
4. Vacate the December 14, 2023 possession charge as unlawful and retaliatory;
5. Bar the use of false CPS reports as a basis for continued prosecution and child removal;
6. Grant such other relief as this Court deems just and proper.

Respectfully submitted,



/s/ Lindsey Rae Hoyt  
Lindsey Rae Hoyt  
1105 Mill Rd.  
Helena, MT 59602  
Phone: 406-410-4514

Dated: September 19, 2025

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of this Petition for Writ of Supervisory Control, together with Exhibit A, was served by ~~email and/or mail~~ on this 12th day of September, 2025, to:

HAND Delivered  
To:

Deanna Rothwell  
Deputy County Attorney  
Lewis and Clark County Attorney's Office  
Helena, MT

Christopher Abbott  
L.C. County Court House

Office of the Attorney General  
State of Montana  
215 N. Sanders St.  
Helena, MT 59620

/s/ Lindsey Rae Hoyt  
Lindsey Rae Hoyt

