

ORIGINAL

FILED

11/03/2025

Bowen Greenwood
CLERK OF THE SUPREME COURT
STATE OF MONTANA

Case Number: OP 25-0771

**IN THE SUPREME COURT OF THE STATE OF
MONTANA**

STATE OF MONTANA,

Plaintiff and Appellee,

v.

Dr. CHARLES MITCHELL DeSHIELDS,

Defendant and Appellant.

Supreme Court Case No.: DA 25-0752

On Appeal from: Gallatin County District Court

Cause No.: DC-16-1995-0000057-IN

FILED

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Clerk of Supreme Court
State of Montana

OP 25-0771

**APPELLANT'S MOTION FOR SUPERVISORY CONTROL TO COMPEL
DISTRICT COURT TO RULE ON PENDING MOTIONS PRIOR TO
BRIEFING**

COMES NOW Appellant, Dr. Charles Mitchell DeShields, pro se, and respectfully moves this Honorable Court to exercise supervisory control and require the Gallatin County District Court to issue written rulings, with findings of fact and conclusions of law, on multiple pending motions that remain unresolved in Cause No. DC-16-1995-0000057-IN.

The unresolved motions include:

1. Motion to Strike Late and Unsworn State Filing (filed September 24, 2025)
2. Motion for Clarification / Partial Reconsideration (filed October 20, 2025)
3. Motion Noticing Fraud Upon the Court / Record Preservation (filed October 24, 2025)

To date, the District Court has issued no rulings, no findings, and no legal reasoning addressing these motions.

LEGAL AUTHORITY REQUIRING RULINGS BEFORE APPEAL

1. Supreme Court cannot review issues not ruled on below

State v. Finley, 276 Mont. 126 (1996):

"Issues not ruled upon by the district court are not preserved for appellate review."

Without written rulings, the appellate record is incomplete and this Court cannot meaningfully review the matters raised.

2. District Court must issue findings of fact and conclusions of law

Rule 52(a), M.R. Civ. P.: "The court must find the facts specially and state its conclusions of law separately."

On October 16, 2025, the District Court issued a blanket denial of all motions with no findings, no record citations, and no legal authority. This is reversible error under Montana law.

3. Due process requires judicial action

Mont. Const., Article II, § 16: "Courts of justice shall be open... and speedy remedy afforded."

Mont. Const., Article II, § 24 guarantees meaningful review and access to courts. When a court silently denies sworn motions or refuses to rule, it violates due process and renders appellate review impossible.

4. Supreme Court has the power to compel judicial action

Rule 14(6), M.R.App.P.: "The supreme court may exercise supervisory control to require a district court to proceed in a lawful manner."

The District Court has not proceeded in a lawful manner.

FACTUAL BASIS

- Sept. 8, 2025 – Appellant filed 14 sworn motions.
- Sept. 23, 2025 – State filed late and unsworn paper.
- Sept. 24, 2025 – Motion to Strike filed.
- Oct. 16, 2025 – District Court issued blanket denial with no findings, and failed to address Motion to Strike, Clarification, or Fraud Notice.
- Oct. 21, 2025 – Register of Actions states: "Case Status Changed: REOPENED." No written explanation or order for reopening.

This record establishes that the District Court still has pending matters requiring adjudication.

REQUEST FOR RELIEF

Appellant respectfully requests that this Court:

1. Order the District Court to issue written rulings with findings of fact and conclusions of law on:
 - Motion to Strike Late/Unsworn Filing
 - Motion for Clarification
 - Motion Noticing Fraud Upon the Court
2. Stay briefing deadlines until the District Court enters such rulings and transmits them to this Court.
3. Alternatively, remand with instructions to adjudicate all pending motions.

Date: 03 NOV 2025


NOTARY ACKNOWLEDGMENT

STATE OF MONTANA

COUNTY OF GALLATIN

On this 23 day of NOV, 2025, before me, a Notary Public for the State of Montana, personally appeared Dr. Charles Mitchell DeShields, who proved his identity to me and acknowledged that he executed this Notice for the purposes stated.

Affiant Signature: 

Notary Public Signature: 

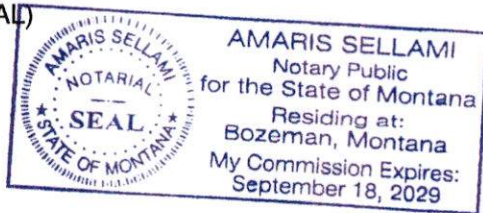
Printed Name: Amaris Sellami

Notary Public for the State of: Montana

Residing at: Bozeman

My Commission Expires: Sept 18, 2029

(SEAL)



CERTIFICATE OF SERVICE

I certify that on this 03 day of NOV, 2025, I served a true and correct copy of the foregoing

Appellant's Motion for Supervisory Control to Compel District Court to Rule on Pending Motions Prior to Briefing

by U.S. Mail Hand Delivery Email, upon the following:

- Montana Attorney General – Appellate Services Division, 215 N. Sanders St., Helena, MT 59601
- Gallatin County Attorney's Office, 502 S. 19th Ave., Suite 102, Bozeman, MT 59718
- Clerk of the Gallatin County District Court, 502 S. 19th Ave., Suite 101, Bozeman, MT 59718
- Clerk of the Supreme Court, PO Box 203003, Helena, MT 59620-3003

Signature:  Date: 11-03-2025

Andy Breuner
District Judge

Gallatin County 516 S. 16. AVE Bozeman MT 59715

