

ORIGINAL

Zachary J. Nentwig AO 3019166
Montana State Prison
700 Conley Lk. Rd.
Deer Lodge, MT 59722

FILED

DEC 29 2025

Bowen Greenwood
Clerk of Supreme Court
State of Montana

SUPREME COURT of the STATE of MONTANA

NO. OP 25-0885

<u>Zachary J. Nentwig</u> Petitioner	Petition
v. <u>Warden Jim Salmons</u> Respondant	for writ of HABEAS Corpus, Extraordinary Remedy

I, Zachary J. NENTWIG, am representing myself,

I believe that I am entitled to a writ of Habeas Corpus under § 40-22-101, MCA, for an Extraordinary Remedy, to be used sparingly in the interest of Justice, and involves purely legal questions and urgent or emergency factors, make the normal appeal process inadequate. Mont. R. App. P. 14(3)

9th Circuit - U.S. Court of Appeals Case Laws, w/no
State Case law involving NON-Indian, Cited by Indian. Date: _____

[1] In current case issue, Zachary J. Nentwig (NON-Indian) was stopped by Tribal Police in Polson, MT, Lake County, Tribal Officer Vern Fisher, searched his person in violation of his fourth & fifth Amend. Rights due to being a NON-Tribal member (white). Officer Fisher exceeded his Jurisdictional authority, in violation of the Indian Civil Rights Act, 1968 25 U.S.C. §1302 Counterpart Fourth Amend. Const.

[2] Officer Fisher acted outside his Jurisdiction as a Tribal Officer because continuing to detain and searching a NON-Indian without first attempting to ascertain his STATUS, was beyond the authority of a Tribal Officer on a public NON-TRIBAL Roadway - courthouse.

[3] Under the law of the founding ERA, the Officer, would not have had authority as a private citizen to seize and detain the defendant as it was not obvious to that point that a crime had been, or was being committed.

Case laws from the 9th Circuit Court - NO MT State Found.

- U.S. v. Cooley 919 F.3d 1135, 2019 App. LEXIS 8344
- Roberts v. Elliot (In re Roberts Litig.) 693 Fed. Appx. 360, 2017 U.S. App. LEXIS ~~25802~~ 12300.
- U.S. v. Fowler F. 4th 1022, 2022 U.S. App. LEXIS 25802
- Bressi v. Ford, 575 F.3d 891, 2009 U.S. App. LEXIS 17272

Extraordinary writ, meets two of three Criteria marks

(a) The lower court is proceeding under a mistake of law and is causing a gross injustice;

• Conflict of laws (Jurisdictional) between the Flathead Tribes and the State of Montana Codes Annotated;

• On 11-30-2020, Petitioner was stopped by Tribal officer Vernon Fisher Sr. and cited for possession of dangerous drugs, Petitioner is a Non-Tribal person.

• Exhibit A, Flathead Tribal Citation, TK-2020-1335 was cited to a Non-Tribal member (Mr. Nentwig is white), and is a Montana State Citizen, DL# 0803 71977 4131 MT

• The clear mistake of law, (Non-Tribal), cited MCA 45-9-102 Criminal Possession of Dangerous Drugs, 45-9-102

(1) A person commits the offense of criminal possession of Dangerous Drugs if the person possesses any dangerous drug, as defined in 50-32-101,

In an amount greater than permitted or for which a penalty is not specified under Title 16, CH 12.

Petitioner has no Flathead Tribal Code for citation Officer Fisher issued him, Petitioner is Non-Tribal.

Criteria (a) Continued

- Petitioner had in his possession, one zip lock bag containing residue, (inner hat band).
- Exhibit B MT Dept. of Justice Forensic Science Division
Date of Report: 12-29-2020
- No Sample Weight obtained - Methamphetamine
Schedule II

• No sample weight of Evidence, does not support Montana State requirement of MCA 45-9-102 Criminal Possession of Dangerous Drugs,

(1) A person commits the offense of criminal possession of dangerous drugs if the person possesses any dangerous drugs as defined in 50-32-101,

In an amount greater than permitted or for which a penalty is not specified under Title 16, CH 12.

- Tribal Officer Fisher should have clarified legal precedent of Evidence bag, with MT Code Ann. 45-10-102 Determining of what constitutes Paraphernalia

D) Statements by owner or by anyone in control of the object concerning its use. Exhibit A

Criteria(a) continued

5) The existence of any residue of dangerous drugs on the object. Exhibit B

A. Results and Conclusion of Report, Exhibit B

B. MCA 45-10-102, what constitutes Paraphernalia

C. MCA 45-10-103, Criminal Possession of drug Paraphernalia.

D. MCA 50-32-01, Uniform Controlled Substance Act,
This uniform act was drafted to achieve uniformity, between the laws of the several states and those of the Federal government.

• The Flathead Tribal Law Agency is Federal.

• According to the state of Montana's, statutes and definitions for criminal codes.

A - Tribal Officer Vernon Fisher misapplied Montana State law, towards a NON-Tribal - U.S. and Montana State Citizen

B - Tribal Officer, Fisher committed a Fraudulent, error, issued an unethical charge, to a NON-Tribal U.S. - MT State Citizen in Lake County.

Criteria (a) Continued

Petitioner has cited Montana laws verbatim.

Petitioner Zachary J. Nentwig, scard through several hundred MT case laws on LEXIS NEXIS,

- Only recieved Misdemeanor Paraphernalia citations, included in Felony Possession of Dangerous Drugs.

C.L. • State v. Dowd 2023 MT 170, 413 Mont. 245, 535 P. 3d 645, 2023 Mont. Lexis 909 # ~~A8~~ Baggie w/residue

C.L. • State v. Clausen, 2020 MT 100, 400, Mont. 9, 462 P. 3d 664, 2020 Mont. Lexis 1236 # ~~P6~~ Baggie w/residue

- There are no case law, in the state Montana that have a Tribal Officer issuing a Non-Tribal, MT & US, Citezen a Felony Charge transfered to, the MT state Court for enhancement and conviction.
- Petitioner has cited Montana Codes and there definitions.
- Also included Exhibit of Evidence, that only complies to a, Montana Code 45-10-103 (Paraphernalia) offense.
- Exhibit A, Tribal issued citation towards Non-Tribal, confirms Jurisdictional Confussion, that proves a mistake of law and gross injustice.

Criteria two of three of extraordinary requirements

(b) Constitutional issues of State-wide importance are involved.

Petitioner emphasizes, "State-wide Importance", as well as the need for, requesting, the State of Montana, to [intercede] with concerns to biased treatment from Flathead Tribal Officers towards Non-Tribal, Montana Residence.

- Montana and U.S. Constitutional Due Process violations are being committed against Montana Non-Tribal Citizens in Lake County, that resides within the exterior boundaries of the Flathead reservation.
- The year of the fraudulent charge was 11-30-2020.
- The last year, before 11-30-2020 citation, the State Compact Agreement with the CS&K Tribes was revised was on April 15, 2003.
- Renewal of Memorandum of Agreement, that the State and the Tribes failed to act on furthering the Agreement by (8) years after April 15, 2003, expired.

Criteria(b) continued

- Current Agreement (State/Tribes) is signed by Attorney General Auster Knudsen on Jan. 2, 2024.

- Past Agreement has no signature pages, April 15, 2003.

- Petitioner Zachary J. Nentwig has reviewed the full documents of both and found on page 13 added from original 2024-Exhibit D

• Section H. Negative Declaration

starts out, "Nothing in this Agreement shall be deemed as a concession by any party as to any other party's jurisdictional claims or an admission of the same, or a waiver of the right to challenge such claims upon termination of the Agreement.

• Section I. Liability

Each party shall remain liable for the acts, errors, or omissions of their officers and employees acting under this Agreement to the same degree that they are currently liable.

No party assumes liability for the acts, errors, or omissions of the officers and employees of the other parties.

- Section H and I releases all parties to Agreement
GMP &

Criteria(b) continued

Petitioner Zachary J. Nentwig (NON-Tribal) stresses the emergency factors when it pertains to C.S & K Tribal Officers are in essence;

A: Kidnaping Montana State Citizens within Lake County, MT and citing them on a illegal offense, by not having a State Officer on site to follow up on process.

B: This happened on 11-30-2020 and it is now 12-14-2025

C: This is currently financially costing the state of Montana many thousands upon thousands of dollars for a Flathead Tribal Fraudulent charge.

D: In the so called State and Tribal Agreement, page 13 Negative Declaration Liability

Releases the arresting Tribal Officer, from any illegal issues

This also releases the State from the Tribes liability issues, that the State Officers commit against the Tribes, [This is an Emergency].

Conclusion - Extraordinary Remedy Request

Petitioner Zachary J. Neitwig, has followed the Montana Rules of writing a writ.

I do understand the down falls of being Pro-Se, but I have no other means to acquire an Atty.

I do humbly request acceptance of my document and this took hundreds of hours to acquire the knowledge and investigation to present all facts in order, to be understandable, 8 1/2 x 10 inch paper, 1 inch borders, Clear with Authorities and Case Law,

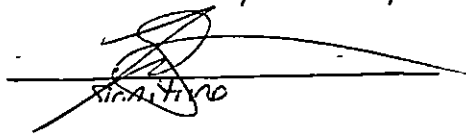
- I humbly request a reversal of charges and dismissed.

I am currently making this page Certificate of Service of Mailing.

I certify on December 17, 2025, I have mailed the Petition for an Extraordinary Writ (Habeas) as noted, to the following Attorneys, by placing in the U.S. Mail.

- Atty Gen. Auster Knudsen, PO Box 201401, Helena, MT 59620-1401
- Bowen Greenwood - Supreme Court, PO Box 203003, Helena, MT 59620-3003
- State Atty James Layotka, 106 4th Ave E, Polson, MT 59860

Zachary J. Neitwig
PNSDU


Signature

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