

ORIGINAL

IN THE SUPREME COURT OF THE STATE OF MONTANA

OP 26-0025

JUSTIN LEE FITCH,

Petitioner,

v.

ROSS CANEN, Dawson County Sheriff,

Respondent.

ORDER

Representing himself, Justin Lee Fitch has filed a Petition for Writ of Habeas Corpus, alleging an “unnecessary delay” with his initial appearance after his September 30, 2025 arrest. He provides no supporting documentation. Fitch requests that this Court issue his writ; appoint counsel; issue a show cause order to the Sheriff and County Attorney “to justify the continued restraint . . .”; and “credit all time unlawfully served . . .” This Court will not consider the attached documents signed by another person.

Available electronic records indicate that the Seventh Judicial District Court, Dawson County, sentenced Fitch on February 15, 2017, for three felonies—criminal possession of dangerous drugs with intent to distribute (methamphetamine); criminal possession of dangerous drugs with intent to distribute (marijuana); and use or possession of property subject to criminal forfeiture. The District Court imposed a net sentence of ten years, all suspended, to the Department of Corrections (DOC).

On August 19, 2025, Fitch’s Probation Officer filed a Report of Violation along with an Affidavit in Support of the State’s Petition for Revocation of Order of Suspended Sentence. The State filed its Petition for Revocation about ten days later. Fitch appeared with counsel in the District Court on November 10, 2025. The District Court found that Fitch violated his probationary conditions after hearing testimony in late November. On December 10, 2025, the District Court revoked his February 15, 2017 sentence. The court

FILED

02/03/2026

Bowen Greenwood
CLERK OF THE SUPREME COURT
STATE OF MONTANA

Case Number: OP 26-0025

FILED

FEB 03 2026

Bowen Greenwood
Clerk of Supreme Court
State of Montana

committed Fitch to the DOC for a five-year, unsuspended term for criminal possession of dangerous drugs with intent to distribute (methamphetamine) as well as a concurrent, unsuspended term of five years to the DOC for criminal possession of dangerous drugs with intent to distribute (marijuana). The court awarded 1,321 days of street time credit and seventy-two days of jail time credit. The court issued the written Order on December 15, 2025.


Fitch has not demonstrated that he is entitled to the requested relief. Fitch cannot challenge this sentence through the remedy of habeas corpus. “The relief under this chapter is not available to attack the legality of an order revoking a suspended sentence.” Section 46-22-101(2), MCA. The court sentenced Fitch upon revocation and awarded credit for time served as well as elapsed time or street time credit. He brings his argument via the wrong remedy. Fitch may seek a timely appeal of his sentence upon revocation on or before Friday, February 13, 2026, with this Court. *See* § 46-20-104, MCA; M. R. App. P. 4(5)(b)(i). Or, he may petition this Court for an out-of-time appeal. M. R. App. P. 4(6). Therefore,

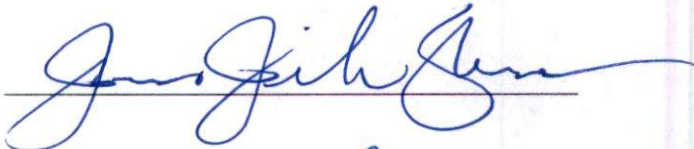
IT IS ORDERED that Fitch’s Petition for Writ of Habeas Corpus is DENIED and DISMISSED.


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 Justin Lee Fitch along with a copy of this Court’s Appellate Handbook.

DATED this 3rd day of February, 2026.







Jean Rice
Justices

Justice Katherine M. Bidegaray did not participate in this matter.