

FILED

04/28/2026

Bowen Greenwood
CLERK OF THE SUPREME COURT
STATE OF MONTANA

Case Number: OP 26-0221

ORIGINAL

IN THE SUPREME COURT OF THE STATE OF MONTANA

OP 26-0221

JEREMY PATRICK OPIE,

Petitioner,

v.

SHAWN WEAD, Warden,
Saguaro Correctional Center;
ERIC STRAUSS, Director,
Montana Department of Corrections,

Respondents.

FILED

APR 28 2026

Bowen Greenwood
Clerk of Supreme Court
State of Montana

ORDER

Jeremy Patrick Opie has filed a Petition for Writ of Habeas Corpus, in which he “asserts he is unlawfully imprisoned or restrained of his liberty [with a] facially invalid sentence as enumerated herein[.]” Opie refers to a 2002 juvenile case and a 2006 criminal case from the Tenth Judicial District Court, Fergus County. Opie explains the background and how the District Court obtained jurisdiction of the juvenile matter after transfer of supervisory responsibility. Citing to *Lott v. State*, he maintains this position due to a lack of a presentence investigation report (PSI) and a psychosexual evaluation. 2006 MT 279, ¶ 22, 334 Mont. 270, 150 P.3d 337. He contends that the requirement to register as a sexual offender expired when he turned eighteen years of age. Opie relies on this Court’s case law concerning appeals of convictions and sentences to argue that the District Court did not have statutory authority to impose a sentence without a PSI and a psychosexual evaluation.

This Court is familiar with Opie’s history, and Opie refers to this Court’s previous Orders. Last year, we denied his petition for habeas corpus relief where he argued imprisonment “because the Fergus County District Court did not have the statutory authority to impose punishment in a criminal case when the court prematurely transferred

his juvenile proceeding, thereby improperly assuming jurisdiction.” *Opie v. Wead & Gootkin*, No. OP 25-0381, Order, at 1 (Mont. Jun. 17, 2025) (*Opie I*). We provided his procedural background:

On May 3, 2002, the Fergus County Attorney petitioned the District Court for a youth hearing, pursuant to the Montana Youth Court Act. *See* §§ 41-5-1401 through 41-5-2510, MCA (2001). The Petition contained three felony sexual offenses, committed in April 2002. On July 29, 2002, the District Court issued a dispositional order concerning the first three counts, and the court committed Opie to the Department of Corrections (DOC) for placement in Pine Hills School for Boys, as named then, until he attained the age of 18 years. The court imposed other conditions such as completing a sex offender treatment program and registering as a sex offender under Montana law. Opie received a fourth count of felony sexual intercourse without consent in an Amended Petition, filed on May 7, 2002. The charge was later dismissed.

On May 1, 2006, the Fergus County Attorney moved the District Court, pursuant to § 41-5-208, MCA, to transfer supervisory responsibility to the District Court because Opie had not completed the sex offender treatment program and he would be reaching 18 years of age in mid-August of 2006. The District Court held a hearing on the motion on August 14, 2006, and the court held a dispositional hearing on September 8, 2006. The court's written Sentencing Order and Judgment committed Opie to the DOC until Opie turned 25 years of age. The court awarded 22 days of credit for time served. The court also ordered that Opie “shall be required to register as a sexual offender as required by statute.”

Opie I, at 1-2.

This Court, in denying Opie’s first Petition, explained that his claims were moot because he had discharged the sentence. We also explained how the statutes applied to his situation.

Opie is correct on his last point about redressability. Opie would have turned 25 in August 2013, and he has since discharged his sentence. Opie is not presently serving the sentence that is the basis for his writ. His claims in his Petition are moot because this Court cannot grant him effective relief. *Cape v. Crossroads Corr. Ctr.*, 2004 MT 265, ¶ 25, 323 Mont. 140, 99 P.3d 71.

Acknowledging the mootness of his Petition, we will explain the misapplication of the Youth Court statutes that Opie cites here. A Youth

Court may order that the offender register as a sexual offender, pursuant to § 41-5-1513(1)(c), MCA (2001), which is what the court did in its 2002 Dispositional Order. The Youth Court had jurisdiction to transfer the youth matter to the District Court because the dispositional hearing, or actual transfer, occurred in September 2002 and after his 18th birthday. The timing of the motion and hearing on it are immaterial here. We observe that the retroactive applicability of the registration of sexual and violent offenders specifically applies to sexual offenders “who as a result of a sentence are under the supervision of a county, state, or federal agency in any state on or after July 1, 1989[.]” Section 46-23-501 through 46-23-520, MCA (2001). See [*State v.*] *Hinman*, [2023 MT 116,] ¶ 4, [412 Mont. 434, 530 P.3d 1271]. Opie was under the supervision of the District Court, beginning in 2002.

Opie I, at 2.

In his next petition for a writ for habeas corpus, Opie challenged a 2023 conviction of failure to register as a sexual or violent offender (SVORA). *Opie v. Wead & Gootkin*, No. OP 25-0383, Order, at 1 (Mont. Jun. 17, 2025) (*Opie II*). Opie argued that his obligation to register expired some seventeen years ago. We provided his history, determined his arguments lacked merit, and denied his Petition. *Opie II*, at 1-2.

Opie includes a copy of the sentencing Judgment from the Thirteenth Judicial District Court, Yellowstone County. On October 6, 2023, the District Court held a change of plea hearing, and Opie, who appeared with counsel, entered a plea of guilty to felony failure to register as a sexual or violent offender, pursuant to a plea agreement. On February 6, 2024, the court imposed a five-year sentence to the Montana State Prison. The court awarded credit for time served. Opie did not appeal.

Available electronic records also indicate that the Yellowstone County District Court committed Opie for a two-year term to the [DOC] for felony aggravated animal cruelty on the same day. The court ran the sentence for this offense consecutively to his prior sentence.

Opie II, at 1.

Opie argued that he had not been convicted of a sexual offense and that our *Hastings* decision was controlling. See *State v. Hastings*, 2007 MT 294, 340 Mont. 1, 171 P.3d 726. We pointed out that Opie’s situation was different than *Hastings*.

Opie's arguments lack merit. The *Hastings* decision is distinguishable from Opie's juvenile matter and the transfer to the District Court. We stated then that "§ 41-5-1513(1)(c), MCA, provided a means to 'bypass[]' the conviction requirement so that SVORA could apply to adjudicated youths." *Hastings*, ¶ 16. In *Hastings*, the District Court had not required Hastings to register when the court adjudicated him as a delinquent youth. *Hastings*, ¶ 16. Opie does not have that distinguishment. The Fergus County District Court required Opie "to register as a sexual offender through age 18, pursuant to Montana law[,] in its July 29, 2002 Dispositional Order. Then, as an adult, and after transfer to the District Court from Youth Court, the court ordered that Opie shall be required to register as a sexual offender as required by statute in the September 13, 2006 Sentencing Order and Judgment. *See Opie I*, at 1-2.

Opie's obligation to register did not expire seventeen years ago. Opie committed his sexual offenses in 2002. The 2001 statutory versions reflect the 1997 legislative amendments, as explained in [*Hinman*, ¶ 8]. The 2007 revisions do not apply to Opie's convictions. Opie was required to register as a sexual offender for the remainder of the offender's life, pursuant to § 46-23-506(1), MCA (2001). "These amendments also removed the 10-year expiration of the duty to register for those who did not re-offend; now, they could only be removed from the registry by petitioning a district court after 10 years had passed." *Hinman*, ¶ 8 (citing 1997 Mont. Laws ch. 375, § 11.). While Opie may have discharged his prior sentence in 2013, as explained in *Opie I*, he does not provide that he ever petitioned the sentencing court to be removed from registration after a decade elapsed and prior to his new charges in 2023. The Yellowstone County District Court had jurisdiction and statutory authority to convict and sentence Opie. Sections 46-2-101, 46-12-211, and 46-18-201, MCA.

Opie II, at 2. This Court pointed out that Opie may not challenge a 2023 conviction through a petition for habeas corpus relief. Section 46-22-101 (2), MCA.

In July 2025, Opie filed two more petitions for writ of habeas corpus, asserting unlawful imprisonment, and this Court consolidated his pleadings. *Opie v. Wead & Gootkin*, Nos. OP 25-0523 and 25-0525, Order (Mont. Aug. 19, 2025) (*Opie III & IV*). Opie argued that the Yellowstone County District Court lacked statutory authority to impose restitution. He also argued that the District Court could not impose probationary

conditions when he does not have a suspended sentence. This Court found no merit in his arguments.

Opie has not demonstrated illegal incarceration or illegal sentences. Under Montana law, the District Court had the statutory authority to impose these sentences. Aggravated animal cruelty is found in § 45-8-217, MCA. The sentence, the punishment, and reasonable costs are provided in § 45-8-211, MCA. Pursuant to § 45-8-211(2)(a), MCA, a conviction of aggravated animal cruelty has a sentence to the DOC for a two-year term. The convicted person—as the owner of the animals—may be required to forfeit the animals, pursuant to § 45-8-211(2)(b), MCA. The sentencing court may also require “the defendant to pay all reasonable costs incurred in providing necessary veterinary attention and treatment for any animal affected, including reasonable costs of care incurred by a public or private animal control agency or humane animal treatment shelter[.]”

Opie III & IV, at 2.

We also concluded his other argument was not viable.

Opie’s argument concerning probation conditions and a parole restriction lack merit. A court may impose restrictions or conditions on probation, pursuant to § 46-18-201(4), MCA. Here, Opie may be paroled after serving four years on his five-year sentence where he would serve the last year under DOC supervision. In its Judgment for the failure to register as a sexual or violent offender, the District Court correctly cites to the statute giving it authority to impose a parole ineligibility restriction. Pursuant to § 46-18-202(2), MCA, “the sentencing judge may also impose the restriction that the offender is ineligible for parole . . .” when the prison term exceeds one year.

Opie comes too late to this Court for relief. By not appealing his Judgments in 2024, he has exhausted the remedy of appeal, and his claims are not remedied by a writ of habeas corpus. Section 46-22-101(2), MCA. Opie has filed five petitions for a writ of habeas with this Court in seventy days this year. We have denied four, including these two July pleadings. *See also Opie I* and *Opie II*. This Court cautions Opie to refrain from filing multiple pleadings when he is not entitled to relief.

Opie III & IV, at 2-3.

On August 5, 2025, Opie returned to this Court with another writ, alleging that he is unlawfully restrained or imprisoned due to a facially invalid sentence. We denied his writ. *Opie v. Wead & Gootkin*, No. OP 25-0563, Order (Mont. Sept. 9, 2025) (*Opie V*). We revisited his history here and cautioned him about seeking such further relief with this Court.

We also stated that “Opie is not presently serving the sentence that is the basis for his writ.” *Opie I*, at 2. The same is true now; his collateral attacks are baseless. Opie has discharged this sentence, and his claims are now moot. *Opie I*, at 2.

Opie is not entitled to habeas corpus relief. Opie has not demonstrated illegal incarceration or illegal restraint. Section 46-22-101(1), MCA.

We caution Opie to refrain from filing petitions for extraordinary relief with this Court for any of his sentences. Since late May 2025, Opie has filed five petitions for habeas corpus relief. This Court has denied them all. *See Opie I*; [*Opie II*]; [*Opie III and IV*]; and [*Opie V*]. If Opie continues to seek habeas corpus relief with this Court, we will require a motion for leave to file prior to any submission of an original proceeding.

Opie V, at 3.

Opie returned to this Court with another writ, which lacks merit. Opie raises issues again that we have previously addressed. *See Opie I*. Opie cannot demonstrate illegal incarceration or an illegal sentence, as explained above in this Court’s prior Orders. Sections 46-22-101(1), and -101(2), MCA. The time has come to impose a pre-filing requirement. Therefore,

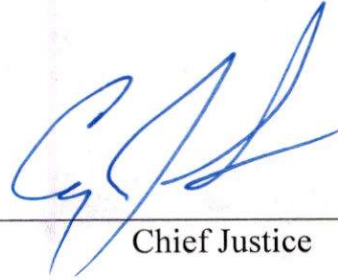
IT IS ORDERED that Opie’s Petition for Writ of Habeas Corpus is DENIED and DISMISSED.

IT IS FURTHER ORDERED that henceforth, prior to filing any original proceeding with this Court, Opie is directed to submit a motion for leave to file the pleading. The motion must be sworn under oath before a notary public, not exceed three pages in length, and make a preliminary showing that the motion has merit and meets the criteria to state a *prima facie* case under M. R. App. P. 14(5). Only when this Court has reviewed the motion and issued an order granting leave to file may the Clerk of Court file the petition. The

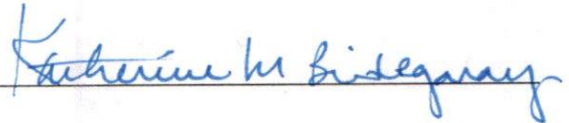
Clerk shall reject any other original petition that Opie seeks to file and shall inform Opie accordingly.

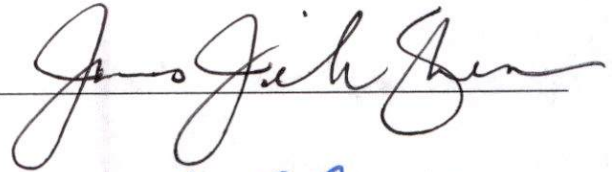
The Clerk is also directed to provide a copy of this Order to counsel of record and to Jeremy Patrick Opie personally.

DATED this 28th day of April, 2026.



Chief Justice









Justices