

ORIGINAL

FILED

05/12/2026

Bowen Greenwood
CLERK OF THE SUPREME COURT
STATE OF MONTANA

Case Number: OP 26-0251

IN THE SUPREME COURT OF THE STATE OF MONTANA

OP 26-0251

BRANDON L. MARQUARDT,

Petitioner,

v.

RICK BARMAN, Program Administrator,
Nexus Treatment Center,

Respondent.

FILED

MAY 12 2026

Bowen Greenwood
Clerk of Supreme Court
State of Montana

ORDER

Brandon L. Marquardt seeks reduction of his sentence along with a recalculation of his sentence by the Department of Corrections (DOC) in his recently filed Petition for Writ of Habeas Corpus. He attaches exhibits, such as a sentence calculation.

Marquardt explains that he seeks credit for time served from September 13, 2021, through June 3, 2022, while he was held in the State of Washington. His other exhibits include a Notice of Arrest, filed in the State of Washington Superior Court, In and For the County of Spokane, for Marquardt's September 13, 2021 arrest, and referencing Butte, Montana. He has a Jail Time Certification of his time while being held in the Spokane County Detention Center, listing 158 days from September 13, 2021, through February 17, 2022. Marquardt provides a copy of the State of Washington's offender management network information showing that he was admitted to prison on February 17, 2022, and then released via a transfer on June 3, 2022.

Available electronic records indicate that the State of Montana initially charged Marquardt on April 13, 2021, with two felonies and two misdemeanors—criminal possession of dangerous drugs, theft, driving under the influence of drugs or alcohol, and criminal possession of drug paraphernalia. The State of Montana amended its charging document on March 22, 2023. On July 12, 2023, the Second Judicial District Court, Butte-Silver Bow County, held a sentencing hearing and stated that Marquardt had

appeared on April 19, 2023, to enter guilty pleas, pursuant to a filed plea agreement. The District Court sentenced Marquardt to the Montana State Prison for an unsuspended, five-year term for criminal possession of dangerous drugs and for a concurrent, unsuspended, three-year term for theft. For the remaining misdemeanors, the District Court sentenced Marquardt to time served on each. The District Court awarded 291 days of credit for time served. The court specifically stated: "Should the Defendant file a motion challenging credit for time served and the amount of time served is modified the Court will file an amended judgment." It is not readily apparent whether Marquardt sought further relief in the District Court.

Upon review, we conclude that Marquardt is not entitled to additional credit for time served. The State put forth below that Marquardt was due 291 days, as the court awarded. The number of days from September 13, 2021, to June 3, 2022, totals 263. The last day is not included in the calculation, *e.g.*, Marquardt was transferred to another facility on June 3, 2022. Marquardt received the credit for the time frame as he puts forth. He also received another twenty-eight days of credit for an unknown time frame as the District Court did not include any dates.

Marquardt has not shown illegal incarceration with the information he has provided. Section 46-22-101(1), MCA. He has not shown that he has an illegal sentence. He is not entitled to a reduction of his sentence or remand to the District Court. Marquardt is not entitled to habeas corpus relief. Therefore,

IT IS ORDERED that Marquardt'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 of the Supreme Court is directed to provide a copy of this Order to: the Honorable Robert J. Whelan, District Court Judge; Beth Parks, Clerk of District Court, under Cause No. DC-21-77; counsel of record, and Brandon L. Marquardt personally.

DATED this 12th day of May, 2026.



Chief Justice

Angel G. Smith

James Jeremiah Green

Laurie R. King

Peter P. ...

Justices