ORIGINAL

FILED
05/26/2026
Bowen Greenwood
CLERK OF THE SUPREME COURT
STATE OF MONTANA
Case Number: OP 26-0278

IN THE SUPREME COURT OF THE STATE OF MONTANA

OP 26-0278

DAMON WAHL,

Petitioner,

v.

THIRD JUDICIAL DISTRICT COURT, GRANITE COUNTY, HONORABLE JEFFREY DAHOOD, Presiding,

Respondent.

FILED
MAY 26 2026
Bowen Greenwood
Clerk of Supreme Court
State of Montana

ORDER

Self-represented Petitioner Damon Wahl has filed a Petition for Writ of Mandamus over the Third Judicial District Court, Granite County, and the Honorable Jeffrey Dahood. Wahl explains that he seeks a writ of mandate to direct the District Court to rule on his pending petition for a writ of habeas corpus. He states that he filed a motion for a status and requested a February 10, 2026 ruling. Wahl contends that "[t]his prolonged inaction deprives the petitioner of meaningful access to appellate review and implicates ongoing liberty interests."

A writ of mandamus, also known as mandate, is specific and statutorily driven. To state a claim for mandamus, a party must show entitlement to the performance of a clear legal duty by the party against whom the writ is directed and the absence of a plain, speedy, and adequate remedy at law. Section 27-26-102, MCA; *Smith v. Missoula Co.,* 1999 MT 330, ¶ 28, 297 Mont. 368, 992 P.2d 834.

Wahl's Petition lacks merit. He cannot meet any of the necessary criteria for a writ to issue. He cannot show a clear legal duty by the District Court. Section 27-26-102(1), MCA. Issuing a decision in a pending case is a discretionary act, not a legal duty.

Upon review of his instant Petition, Wahl seeks to challenge his conviction and sentence "on multiple grounds[.]" We secured a copy of his final judgment. The Granite

County District Court imposed a five-year commitment to the Department of Corrections with three years suspended for felony assault on a peace officer on November 8, 2024.

Wahl is mistaken that a writ of habeas corpus dictates meaningful access to an appeal or that a lack of a ruling affects his liberty interests. Wahl has no adequate remedy of appeal because he did not file within sixty days of the court's judgment. M. R. App. P. 4(5)(b)(i); § 46-20-104, MCA. Wahl is mistaken about the postconviction relief he seeks. He is past the time for seeking a petition for postconviction relief, pursuant to § 46-21-101(1), MCA, in the sentencing court and within a year of the final judgment. Section 46-21-102(1)(a), MCA. Wahl's remedy could be a petition for habeas corpus relief; however, Granite County is the wrong venue. He would need to seek habeas corpus relief in the county where he is actually restrained. *See* § 46-22-201(1)(c), MCA (A petition for a writ of habeas corpus "must specify [] where and by whom the petitioner is confined or restrained."). This Court observes that Wahl is presently incarcerated in Shelby, Montana, or Toole County. Wahl also has the remedy of filing a petition for a writ of habeas corpus with this Court. Section 46-22-101(1), MCA.

We conclude that Wahl is not entitled to a writ of mandamus. Section 27-26-102(2), MCA; *Smith*, ¶ 28. Accordingly,

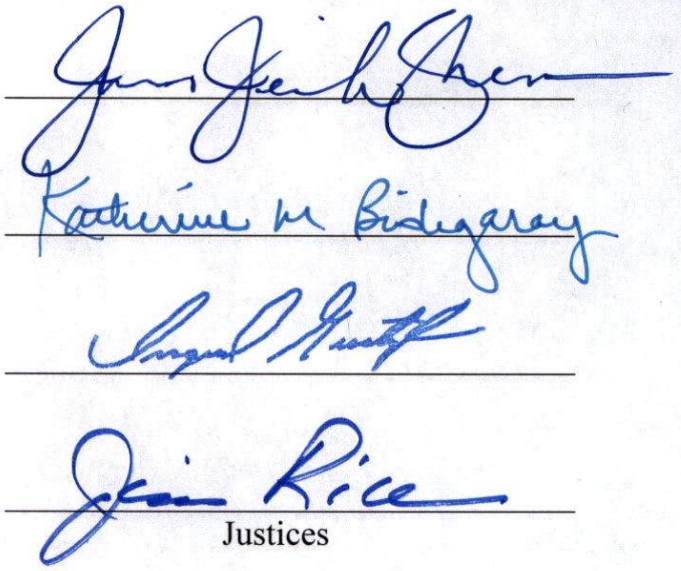
IT IS ORDERED that Wahl's Petition for Writ of Mandamus is DENIED and DISMISSED.

IT IS FURTHER ORDERED that the Clerk is directed to CLOSE this matter as of this Order's date.

The Clerk is also directed to provide a copy of this Order to: the Honorable Jeffrey Dahood, District Court Judge; Carol Bohrnson, Clerk of District Court, Granite County, under Cause No. DC-20-2025-0000-41; counsel of record, and Damon Wahl along with a copy of this Court's Petition for Writ of Habeas Corpus instructions and form.

DATED this 26th day of May, 2026.

Chief Justice



Justices