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COUNSEL FOR RESPONDENT

IN THE SUPREME COURT OF THE STATE OF MONTANA

No. OP 26-0385

DANIEL WAYNE LOGAN,

Petitioner,

v.

MISSOULA COUNTY SHERIFF'S DEPARTMENT,

Respondent.

**ATTORNEY GENERAL'S REDACTED RESPONSE TO PETITION FOR
WRIT OF HABEAS CORPUS AND ORDER FOR IMMEDIATE RELEASE**

INTRODUCTION

Petitioner Daniel Wayne Logan (Logan) filed a Petition for Writ of Habeas Corpus (Petition) on June 3, 2026. Logan seeks a writ of habeas corpus and an order directing the Missoula County Detention Facility to immediately release him, or in the alternative, an order directing the Fourth Judicial District Court, Missoula

County, to rule on Logan’s pending habeas petition filed in DV-26-618. (Pet. at 4-5.)

Logan alleges that the district court did not have statutory authority to impose, as a condition of his deferred imposition of sentence, a requirement that he remain in custody until Logan is either able to obtain admission into the Recovery Centers of Montana (RCM) or Probation and Parole is able to confirm he has approved housing. (Pet. at 2-3.) Logan asserts that “[o]nce a court has imposed a deferred sentence, the remaining time is to be served in the community under supervision[.]” (Pet. at 2.) Contrary to Logan’s assertion, this Court has previously recognized that Mont. Code Ann. § 46-18-201(4) expressly permits a sentencing court deferring imposition of sentence to impose “any reasonable restrictions or conditions,” which “may include but [is] not limited to,” ordering “incarceration in a detention center not exceeding 180 days.” Logan expressly acknowledged his need for treatment and lack of appropriate peer support in the community. The court reasonably conditioned Logan’s release as part of his deferred imposition of sentence upon either Logan’s acceptance at RCM or him finding approved housing.

After Logan filed the instant Petition, the district court held a hearing on his motion and issued an order instructing Logan to be immediately released.¹ This Court should deny Logan's Petition because he has failed to demonstrate he is being illegally held, and the matter is moot.

STATEMENT OF RELEVANT PROCEDURE AND FACTS

On October 23, 2025, the State charged Logan by Information with one count of felony theft, in violation of Mont. Code Ann. § 45-6-301. (Resp't's App. A at 1.) Logan posted a surety bond the following day. (*Id.*)

On December 31, 2025, a Missoula County Pretrial Services Program-Violation(s) Report was filed (*Id.*) On January 5, 2026, the State filed a Petition to Revoke Defendant's Release. (*Id.*) The court issued a warrant, Logan was arrested, and his bond was revoked on January 20, 2026. (*Id.*)

On January 27, 2026, a Pretrial Services Program-Release Plan Report was filed. (*Id.*) On March 18, 2026, the parties filed a Plea Agreement. (Resp't's App. B.) In the agreement, the parties agreed to recommend a 30-month deferred imposition of sentence. (*Id.* at 2.) The parties agreed that Logan would be subject

¹ The Missoula County Detention Facility's jail roster indicates Logan is no longer an inmate. <https://webapps.missoulacounty.us/jailroster/inmates> (last visited June 8, 2026).

to the standard conditions of probation, which included a requirement that Logan obtain a Chemical Dependency Evaluation (CD Eval). (*Id.* at 4.)

On March 31, 2026, a Presentence Investigation (PSI) Letter of Noncompliance was filed. (Resp't's App. C.) On April 2, 2026, the State filed a second petition to revoke Logan's release indicating the following:

On the 23rd day of March, the Defendant failed to report to Pre Trial Supervision as ordered. When attempting to reach the Defendant at the last known phone number, it was the number of a neighbor who said they had not seen the Defendant since they borrowed their phone to call Pretrial Services on March 23rd. When Pretrial Supervision Officer checked with Probation and Parole to see if the Defendant had turned in their PSI packet they were advised it had not yet been turned in. At this time the Defendant's whereabouts are unknown.

(Resp't's App. D at 2.) The court issued an arrest warrant, and the warrant was served on April 17, 2026. (Resp't's App. A at 1.) At a hearing on May 6, 2026, the State requested that Logan remain in custody until sentencing and the court remanded Logan to the custody of the jail. (Pet'r's. Ex. 1.)

At the sentencing hearing held on May 28, 2026, Logan advised that he would like "to re-instate his plea of "Guilty" to Count I originally stated on March 19, 2026." (Resp't's App. E.) The district court asked Logan if he was currently employed and Logan indicated that he had been working prior to going to jail. (Resp't's App. F at 8.) Logan said he needed to talk to his boss, but he believed he would still have his job working for Shane Norton with Mobile Home

Trailers. (*Id.*) The court also asked Logan about his housing and Logan said he lived in Lake County. (*Id.*)

The court noted that the risk assessment listed issues with Logan “understanding [his] financial situation and [his] associations.” (*Id.* at 11.) The court noted that there did not appear to be “any specific program that [wa]s being recommended in the presentence report.” (*Id.*)

Logan’s counsel said that after he was released, Logan intended to “follow[] up with RCM about possible inpatient treatment or outpatient treatment.” (*Id.*) She explained that Logan was voluntarily electing to go to RCM. (*Id.* at 12.) The PSI conditions included a requirement that Logan complete a CD Eval, and RCM would satisfy that condition. (*Id.* at 12.)

Logan addressed the court directly and explained that once he got out of custody he wanted “to get a bed date at RCM.” (*Id.* at 13.) Logan said it was “not like I’ve been drinking, but it’s a reoccurring problem for me. So I want to get help for it. And that’s why I want to go to RCM for.” (*Id.*)

The court discussed the impacts that substance use can have and told Logan he also needed to change his “peer association.” (*Id.* at 13-16.) Logan told the court he did not “have anybody here.” (*Id.* at 16.) He explained that he was hoping to

secure an interstate compact and move to Oregon. (*Id.*)² The court told Logan he needed to find the appropriate environment in whichever community he ended up in. (*Id.*) Logan indicated that he understood and said that was why he was “staying away from everybody.” (*Id.* at 17.) He said he did not have any friends here except his girlfriend and “one friend that [he] c[ould] stay with and hang out with.” (*Id.*)

The court confirmed that the parties agreed a 30-month deferred term was appropriate. (*Id.* at 18.) The court instructed that he was also “going to specifically add RCM, that [Logan] complete that.” (*Id.*) The court told Logan it “want[ed] [Logan] to have some actual experience and an actual plan.” (*Id.* at 20.) The court cautioned that his probation officer would check if he had completed RCM and that he would be back in court if he did not complete it. (*Id.*)

Logan asked what time he would be released and explained that he did not know when he would have a bed date for RCM. (*Id.* at 20-21.) The court responded:

In fact, however Madison wants to do it, she’s got discretion to keep you there. I am giving her discretion to keep you there until RCM picks you up. But if she thinks you’ve got a place that you can stay up

2

in Lake County and report to RCM, I don't care as long as you get there.

(*Id.* at 21.)

Following his sentencing hearing, the prosecutor who was assigned to represent the State emailed the court and included Logan's attorney and Probation and Parole as well. (Pet'r's. Ex. 3 at 5.) The prosecutor, who had not been at the sentencing hearing,³ explained that there was a disagreement between Probation and the defense regarding the particulars of Logan's sentence. (*Id.*) His understanding was that Probation believed that under the sentencing order, Probation had authority to keep Logan in custody until he either has a bed date at RCM or Probation can verify his residence and employment. (*Id.*) Logan's counsel believed it was "a fully probationary sentence and the Defendant was supposed to be released to check in with probation essentially as soon as the jail could process that." (*Id.*) The prosecutor offered to order a transcript but explained that Logan had not yet been able to provide verification to Probation. (*Id.*) Thus, Logan was still in custody. (*Id.*) The court responded, "Probation is correct." (*Id.* at 4.)

After the court's email, Logan's counsel emailed the prosecutor and Probation indicating "Now that we know what is going on—I am going to see if Mr. Logan can provide me with a residence and contact info for an employer."

³ A different prosecutor covered the sentencing hearing as is indicated in the transcript for the hearing held on May 28, 2026. (Resp't's App. F at 3, 10.)

(*Id.*) Probation connected Logan’s counsel to Christopher Donovan, the probation officer who would be supervising Logan. (*Id.* at 3.) Logan told his counsel that his boss upon release would be Shane Norton of Norton’s Mobile Home Movers and Logan also provided an address in Charlo, Montana, for where his residence would be upon release. (*Id.*) Officer Donovan responded indicating that he had spoken with Mr. Norton and he had said that Logan would “not be working for him and only worked a few times.” (*Id.* at 2-3.)

Logan’s counsel noted it would be difficult for her client to find another job while in custody and asked whether she needed an alternative employer or if there was something else to facilitate Logan’s release. (*Id.* at 2.) Officer Donovan indicated that the residence Logan provided would need to be checked out and requested that Probation covering Charlo, Montana, verify the residence. (*Id.*)

On June 2, 2026, Managing Public Defender Monica Tranel emailed Probation and the prosecutor stating there was no lawful basis to hold Logan and to release him immediately. (*Id.* at 1.) The same day Logan filed a Motion to Clarify and Enforce Sentence and Order Immediate Release. (Resp’t’s App. A.)

On June 3, 2026, Logan filed his Petition for Writ of Habeas Corpus and Order for Immediate Release with this Court. (Pet.) The same day, the district court held a hearing. (Resp’t’s App. G.) After a discussion the court ordered a

transcript of the sentencing hearing and instructed that the court would rule on Logan's motion after reviewing the transcript. (*Id.*)

The transcript was subsequently completed and is included with the State's response as Appendix F. The transcript was filed in the district court on June 4, 2026. (Resp't's App. A at 2.) Probation and Logan's counsel continued to communicate by email following the hearing. (Resp't's App. H at 1-2.) Probation agreed that it would be "near impossible" for Logan to find work while in custody. (*Id.* at 2.) Probation had arranged to have Logan's listed address checked and said that Probation would make a decision once that was completed. (*Id.*)

Probation communicated with officers in the Polson office and coordinated to have the address Logan provided checked on June 10. (Resp't's App. I.)

On June 5, 2026, the district court issued an order stating Probation and parole had discretion to release Logan and that it was not required to hold him in custody. (Resp't's App. J at 2.) The court ordered Logan to be released immediately and ordered Logan to immediately report to Probation and Parole. (*Id.*)

ARGUMENT

A person who is incarcerated may file a petition for a "writ of habeas corpus to inquire into the cause of imprisonment or restraint and, if illegal, to be delivered

from the imprisonment or restraint.” Mont. Code Ann. § 46-22-101(1); Mont. Const. art. II, § 19. “[T]he burden in a habeas corpus proceeding is upon the petitioner to convince the Court that a writ should be issued.” *Miller v. Eleventh Judicial Dist. Court*, 2007 MT 58, ¶ 14, 336 Mont. 207, 154 P.3d 1186.

In *State v. Thibeault*, 2021 MT 162, ¶ 22, 404 Mont. 476, 490 P.3d 105, this Court held that the trial court’s imposition of a jail term as a condition of a deferred imposition of sentence was a facially legal condition of a deferred imposition of sentence, expressly authorized by Mont. Code Ann. § 46-18-201(4)(b). Even under previous versions of the statute, this Court regularly upheld conditions of deferred impositions of sentence that included a jail term as a probationary term. *See In re Williams*, 145 Mont. 45, 56-57, 399 P.2d 732, 738-39 (1965) (probation condition requiring defendant to be “jail-based” during required alcohol treatment did not “transform a probationary rule into a term of imprisonment”); *State v. Maldonado*, 176 Mont. 322, 331, 578 P.2d 296, 301 (1978) (court may “defer the imposition of sentence and make a jail term a condition of probation”).

Logan does not dispute that the district court deferred the imposition of his sentence or that the court’s requirement that he remain in jail or find approved housing was a condition of his deferred sentence. (Pet. at 2, 5.) At sentencing, the court noted the PSI mentioned untreated substance abuse issues. Logan advocated

for his need to attend treatment at RCM. He also told the court he did not have peer support in Montana and that he needed to change his associations. Based on the PSI and Logan's own assertions, the court reasonably required Logan to obtain admission to RCM or find approved housing as a condition of his deferred imposition of sentence. Logan retained the benefit of a noncustodial term and the court's imposition of this condition did not convert his deferred imposition of sentence into a custodial sentence.

While the district court had the authority to condition Logan's deferred sentence on him remaining in jail until admission at RCM or until he provided proof of an approved residence, this Court need not address Logan's claim because the matter is now moot.

"The fundamental question to be answered in any review of possible mootness is 'whether it is possible to grant some form of effective relief to the appellant.'" *Briese v. Mont. Pub. Emples. Ret. Bd.*, 2012 MT 192, ¶ 14, 366 Mont. 148, 285 P.3d 550 (citation omitted). This Court has repeatedly found petitions for writ of habeas corpus to be moot upon the petitioner's release from custody. *See, e.g., State v. Sor-Lokken*, 247 Mont. 343, 345-46, 805 P.2d 1367, 1369 (1991) (petition was moot once petitioner released on bond while petition was pending); *Quigg v. Crist*, 177 Mont. 134, 136, 580 P.2d 921, 923 (1978) (denying petition seeking release from disciplinary segregation as moot due to petitioner's release).

While the district court had the statutory authority to impose any reasonable restriction or condition—including up to a 180-day jail term—the district court has already granted Logan’s requested relief and ordered him to be immediately released from jail. Logan has failed to demonstrate he is being illegally held because the district court had the authority to impose the condition as part of his deferred imposition of sentence and because the matter is now moot.

CONCLUSION

This Court should deny Logan’s Petition because he has not demonstrated he is being illegally held and because the matter is moot.

Respectfully submitted this 8th day of June, 2026.

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By: /s/ Christine Hutchison
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CERTIFICATE OF COMPLIANCE

Pursuant to Rule 11 of the Montana Rules of Appellate Procedure, I certify that this response is printed with a proportionately spaced Times New Roman text typeface of 14 points; is double-spaced except for footnotes and for quoted and indented material; and the word count calculated by Microsoft Word for Windows is 2,573 words, excluding caption, signatures, certificate of compliance, certificate of service, and any exhibits.

/s/ Christine Hutchison

CHRISTINE HUTCHISON

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No. OP 26-0385

DANIEL WAYNE LOGAN,

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MISSOULA COUNTY SHERIFF’S DEPARTMENT,

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RESPONDENT’S APPENDIX

Missoula County Cause No. DC 25-616
ROA Listing dated June 5, 2026..... App. A

Missoula County Cause No. DC 25-616, Doc. 21
Plea Agreement App. B

Missoula County Cause No. DC 25-616, Doc. 24
PSI Letter of Noncompliance App. C

Missoula County Cause No. DC 25-616, Doc. 26
State’s Petition to Revoke Defendant’s Release..... App. D

Missoula County Cause No. DC 25-616, Doc. 30
Minute Entry App. E

Missoula County Cause No. DC 25-616, Doc. 42
05/28/26 Sentencing Transcript..... App. F

Missoula County Cause No. DC 25-616, Doc. 40
Minute Entry App. G

Email Correspondence
June 1, 2026 through June 4, 2026 App. H

Email Correspondence
June 1, 2026 through June 4, 2026 App. I

Missoula County Cause No. DC 25-616, Doc. 44
Order for Release App. J

Missoula County Cause No. DC 25-616, Doc. 35
Presentence Investigation Report..... App. K

CERTIFICATE OF SERVICE

I, Christine M. Hutchison, hereby certify that I have served true and accurate copies of the foregoing Response/Objection - Petition for Writ to the following on 06-08-2026:

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