

ORIGINAL

FILED

06/09/2026

Bowen Greenwood
CLERK OF THE SUPREME COURT
STATE OF MONTANA

Case Number: OP 26-0347

IN THE SUPREME COURT OF THE STATE OF MONTANA

OP 26-0347

LAWRENCE JOHN JAKUB,

Petitioner,

v.

BILLIE REICH, Warden,
Crossroads Correctional Center,

Respondent.

FILED

JUN 09 2026

Bowen Greenwood
Clerk of Supreme Court
State of Montana

ORDER

Lawrence John Jakub, representing himself, has filed a Petition for Writ of Habeas Corpus, arguing multiple reasons why his incarceration is illegal. Jakub states that the Board of Pardons and Parole did not grant his parole. He explains that this is his second sentence for one item—"a pipe with residue"—and that the item was illegally confiscated because there was "no traffic stop." He adds that he was sitting in a hotel parking lot. Jakub argues that per statute he should have received a six-month jail term instead of the five-year sentence. He asserts that the charge should have been criminal possession of drug paraphernalia and that he did not have a fair, speedy trial. Jakub requests his immediate release from prison and financial compensation for this wrongful incarceration.

Jakub mentions Ravalli County, but he does not include any supporting documentation, such as a final judgment. M. R. App. P. 14(5). We secured relevant copies of the charging documents and the court's judgment.

On November 16, 2021, the State charged Jakub with two offenses—felony criminal possession of dangerous drugs and misdemeanor criminal possession of drug paraphernalia. In the December 19, 2022 written judgment, the Twenty-First Judicial District Court, Ravalli County, provided the history, noting that the parties entered into a plea agreement. According to this judgment, the State filed a Notice of Intent to Deviate

from Plea Agreement, and the court held the sentencing hearing on September 19, 2022. The court advised the parties that it was not inclined to follow the Plea Agreement and gave its reasons. The State objected to Jakub's withdrawal of his no contest pleas. The District Court set a briefing schedule and entered an Amended Jury Trial Preparation Order. On November 22, 2022, a jury found Jakub guilty of both charges. For the felony, the court committed Jakub to the Department of Corrections (DOC) for a five-year term with three years suspended. The court awarded 172 days of credit for time served. The court imposed a suspended, six-month jail term for the misdemeanor and awarded the same credit.

The State filed a Petition for Revocation of Suspended Sentence with the District Court on November 20, 2024. After a hearing, and upon finding Jakub's violation of probationary conditions, the court determined that revocation of the suspended sentence was proper. On March 5, 2025, the court revoked his suspended sentence and imposed a three-year DOC commitment with credit of 103 days for time served along with ninety-three days of street time or elapsed time.

On February 26, 2026, the Sentence Review Division (SRD) of the Montana Supreme Court affirmed Jakub's sentence.

Jakub cannot now challenge his convictions or his sentence through a writ of habeas corpus. He has a valid sentence. Section 46-22-101(1), MCA. Jakub's time to bring his various claims challenging the "stop," charges, and convictions should have been on direct appeal by February 2023, or sixty days after his original imposition of sentence. Section 46-20-104, MCA; M. R. App. P. 4(5)(b)(i). By not appealing then, Jakub has exhausted the remedy of appeal and is precluded from raising such arguments now. Section 46-22-101(2), MCA. Jakub is also barred from challenging his sentence upon revocation. Section 46-22-101(2), MCA. He is not entitled to his immediate release or to financial compensation. Jakub is not entitled to habeas corpus relief.

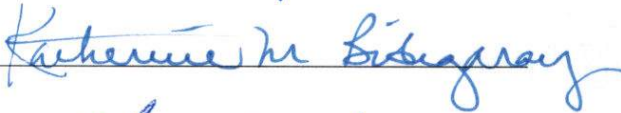
IT IS THEREFORE ORDERED that Jakub's Petition for Writ of Habeas Corpus is DENIED and DISMISSED.

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 counsel of record and to Lawrence John Jakub personally.

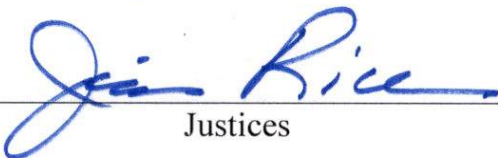
DATED this 9th day of June, 2026.










_____ Justices