

ORIGINAL

FILED

06/09/2026

Bowen Greenwood
CLERK OF THE SUPREME COURT
STATE OF MONTANA

Case Number: OP 26-0320

IN THE SUPREME COURT OF THE STATE OF MONTANA

OP 26-0320

COLIN JAMES SCHWARTZ,

Petitioner,

v.

JAMES SALMONSEN, WARDEN,
Montana State Prison,

Respondent.

FILED

JUN 09 2026

Bowen Greenwood
Clerk of Supreme Court
State of Montana

ORDER

Colin James Schwartz has included a sentence calculation with his Petition for Writ of Habeas Corpus, explaining that the Department of Corrections (DOC) has incorrectly calculated his sentence. Schwartz's calculation shows three sentences from the Cascade County District Court and the first two cause numbers—ADC-24-528 and DC-24-741—are the basis of his petition for habeas corpus relief.

Upon review of this Court's docket, Schwartz has counsel to represent him in appeals of both criminal cases. Through counsel, Schwartz filed a Notice of Appeal on December 10, 2025, wherein he appeals the October 21, 2025 final judgment in Cause No. DC-24-528. On February 3, 2026, we dismissed his petition for habeas corpus relief because he had an appeal pending. *See Schwartz v. Slaughter*, No. OP 26-0023, Order (Feb. 3, 2026).

On March 17, 2026, this Court issued an Order dismissing his petition for habeas corpus relief where he argued that he should be serving his suspended sentence before any custodial time. We pointed out again that he had an appeal pending for the specific criminal case. We further ordered:

the Clerk of the Supreme Court is DIRECTED to return to Schwartz any original proceeding that he files on his own behalf while his appeal—

State v. Schwartz, No. DA 25-0854—is pending before this Court and unless this Court issues a different order[.]

See C. Schwartz v. Slaughter, No. OP 26-0140, Order, at 2 (Mar. 17, 2026). Additionally, on March 17, 2026, this Court granted Schwartz’s out-of-time appeal and appointed appellate counsel in Cause No. BDC 24-741. *State v. Schwartz*, No. DA 26-0163, Order (Mont. Mar. 17, 2026).

The remedy of habeas corpus is not a substitute for a direct appeal of a conviction and sentence. *State v. Wright*, 2001 MT 282, ¶ 13, 307 Mont 349, 42 P.3d 753.

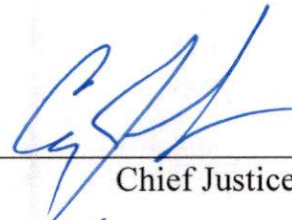
Without reaching the merits, we must dismiss his Petition. Accordingly,

IT IS ORDERED that:

1. Schwartz’s Petition for Writ of Habeas Corpus is DISMISSED without prejudice;
2. the Clerk of the Supreme Court is DIRECTED to return any original proceeding, submitted by Colin James Schwartz for filing to Schwartz **during the pendency of his two appeals, Cause Nos. DA 26-0023 and DA 26-0163, *State v. Schwartz***; and
3. this matter is CLOSED as of this Order’s date.

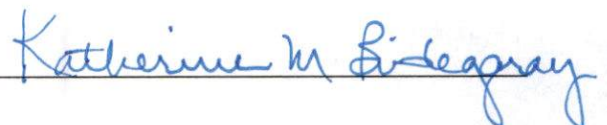
The Clerk of the Supreme Court is directed to provide a copy of this Order to: counsel of record; Tammy A. Hinderman, Appellate Defender Division; and Colin James Schwartz personally.

DATED this 9th day of June, 2026.



Chief Justice





Fitz

Rice

Justices