INMATE NAME

INMATE ID NUMBER

NAME OF FACILITY WHERE INMATE IS INCARCERATED

ADDRESS OF FACILITY

ADDRESS Continued

Petitioner Pro Se

IN THE SUPREME COURT OF THE STATE OF MONTANA

No. __

[The Court will assign a number]

INMATE NAME PETITIONER,	PETITION FOR WRIT OF HABEAS CORPUS
VS.	
NAME OF WARDEN/FACILITY ADMINISTRATOR RESPONDENT.	

COMES Now _____ [Name of Inmate] and Petitions the Montana Supreme Court for immediate or sooner release under Mont. Code Ann. § 46-22-101, et. seq. I believe I am eligible for immediate or sooner release from my confinement because [check appropriate box]:

] The Department of Corrections has calculated my parole eligibility or discharge date incorrectly.

I believe the Parole Board should have granted me a parole AND the Board violated my Due Process rights.	
I am being held in jail and I believe my bail is excessive.	
I believe I am entitled to more credit for jail time than I received.	
I believe my sentence is illegal because:	
I was sentenced after April 28, 1999, and I received a sentence of more than 5 years that was not suspended to the Department of Corrections.	
The court's sentence violated double jeopardy.	
The length of my sentence is longer than the law allows.	
Other reason I am being held illegally and the Court should grant my immediate or sooner release.	

Use the next pages to tell the Court the facts and circumstances about the reason you believe you are entitled to immediate or sooner release. Be specific. Attach any documents that help make your case.

PRO SE PETITION FOR HABEAS CORPUS Montana Supreme Court

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PRO SE PETITION FOR HABEAS CORPUS Montana Supreme Court

INMATE NAME

Page 3

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PRO SE PETITION FOR HABEAS CORPUS Montana Supreme Court ____

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VERIFICATION

STATE OF MONTANA

: ss.

I swear that I wrote this petition for habeas corpus myself. I believe I am being incarcerated illegally. I know of my own knowledge that everything in this petition is true.

DATED this _____ day of ______.

)

Inmate Signature

Inmate Printed Name

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INSTRUCTIONS FOR COMPLETING A PETITION FOR HABEAS CORPUS FORM

A Petition for Habeas Corpus tells the Court you are being incarcerated illegally or you

will be incarcerated illegally.

- 1. You must put your name on the first line. Put the name under which you were convicted.
- 2. Put your inmate ID or AO number on the second line.
- 3. You must be presently incarcerated in a correctional facility to be eligible for habeas relief so on the third line, put the name of the facility where you are presently incarcerated.
- 4. On the fourth and fifth lines put the address for the facility where you are presently incarcerated.
- 5. Do not put anything below the name of the court. The court will fill in the case number for you.
- 6. In the box---on the top left-hand side put your name.
- 7. In the box—on the bottom of the left-hand side, put your facility's warden or Captain's name; For example: if you are at Montana State Prison, you must put Warden Mahoney's name here even if you are alleging the parole board is illegally denying you parole; If you are in Shelby at CCC, you put Warden Law's name here; if you are in Montana Women's Prison, put Warden Jo Acton's name in this space.
- 8. Do not put anything on the right-hand side of the box.
- 9. Next, answer the questions about your present incarceration.