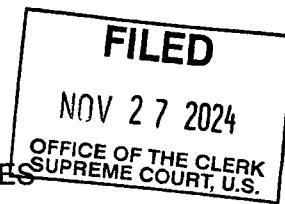


RULE 20 PETITION FOR AN EXTRAORDINARY WRIT OF HABEAS CORPUS.

No. 24-6108

ORIGINAL

IN THE  
SUPREME COURT OF THE UNITED STATES



In Re TRACEY R. GODFREY — PETITIONER  
(Your Name)

RULE 20 ON PETITION FOR A WRIT OF HABEAS CORPUS

PETITION FOR WRIT OF HABEAS CORPUS

TRACEY R. GODFREY  
(Your Name)

700 CONLEY LIC. RD.  
(Address)

DOVERLODGE MT 59722  
(City, State, Zip Code)

NOONE  
(Phone Number)

RULE 20 PETITION FOR AN EXTRAORDINARY WIT OF HABEAS CORPUS.

**QUESTION(S) PRESENTED**

MULTIPLE PUNISHMENTS FOR MCAS § 46-18-502

**RULE 20 PETITION FOR AN EXTRAORDINARY WRIT OF HABEAS CORPUS.**

**LIST OF PARTIES**

[ ] All parties appear in the caption of the case on the cover page.

[ ] All parties **do not** appear in the caption of the case on the cover page. A list of all parties to the proceeding in the court whose judgment is the subject of this petition is as follows:

**RELATED CASES**

# RULE 20 PETITION FOR AN EXTRAORDINARY WRIT OF HABEAS CORPUS.

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RULE 20 PETITION FOR AN EXTRAORDINARY WRT OF HABEAS CORPUS.

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STATUTES AND RULES

MCA § 46-18-502

OTHER

MCA § 46-18-904 (3) "THE COURT MUST RESCIND  
THE PERSON AS ORDERED BY THE SRD."

RULE 20 PETITION FOR AN EXTRAORDINARY WRIT of HABEAS CORPUS.

IN THE SUPREME COURT OF THE UNITED STATES, WASHINGTON DC.

IN RE TRACY R. GODFREY S CAUSE #

S RULE 20 PETITION FOR EXTRAORDINARY  
WRIT. 28 USC § 1651(a).

THE FOLLOWING EXCEPTIONAL CIRCUMSTANCES WARRANT THE EXERCISE  
OF THE COURT'S DISCRETIONARY POWERS IN ADD OF THE COURT'S  
APPELLATE JURISDICTION. A DEQUATE RELIEF CAN NOT BE OBTAINED  
IN ANY OTHER FORM OR FROM ANY OTHER COURT AS TRACY R. GODFREY  
IS BARRED FROM ALL COURTS.

I, TRACY R. GODFREY, HAVE RECEIVED MULTIPLE PUNISHMENTS  
FOR THE OFFENSE OF MCA § 46-18-502 P.F.O. IN DC 99-114 RAVALL CO. MT.  
ON NOV. 27<sup>TH</sup> 2000 A 10 YEAR SENTENCE WAS IMPOSED.  
ON OCT 16<sup>TH</sup> 2013 A 60 YEAR SENTENCE WAS IMPOSED.

AS IS EVIDENCED BY 24-2406 (ATTACHED) THE 9<sup>TH</sup> CIRCUIT  
IS REFUSING TO RECOGNIZE THAT THIS IS A VIOLATION  
OF MY RIGHT TO BE FREE OF DOUBLE JEOPARDY FOR  
THE SAME OFFENSE OF MCA § 46-18-502 P.F.O.

ANY JURIST OF REASON CAN SEE THIS IS TRUE.  
THIS COURT MUST GRANT IMMEDIATE RELEASE FROM PRISON.

9-16-24

S/ TRACY R. GODFREY 41852

700 CONLEY LK. RD.

DEER LODGE, MT. 59722

RECEIVED  
SEP 25 2024

OFFICE OF THE CLERK  
SUPREME COURT, U.S.

I SWEAR UNDER PENALTY OF PERJURY I CANNOT AFFORD  
THE COST OF A FILING FEE.

S/ TRACY R. GODFREY 41852

RULE 20 PETITION FOR AN EXTRAORDINARY WRIT of HABEAS CORPUS.

IN THE  
SUPREME COURT OF THE UNITED STATES  
PETITION FOR WRIT OF MANDAMUS

Petitioner respectfully prays that a writ of mandamus issue.

OPINIONS BELOW

[ ] For cases from **federal courts**:

The opinion of the United States court of appeals appears at Appendix ✓A to the petition and is  
[] reported at 24-2406; or,  
[ ] has been designated for publication but is not yet reported; or,  
[ ] is unpublished.

The opinion of the United States district court appears at Appendix ✓A to the petition and is  
[] reported at 9:24-cv-00040-DCL; or,  
[ ] has been designated for publication but is not yet reported; or,  
[ ] is unpublished.

[ ] For cases from **state courts**:

The opinion of the highest state court to review the merits appears at Appendix ✓A to the petition and is  
[] reported at SD 13-0258; or,  
[ ] has been designated for publication but is not yet reported; or,  
[ ] is unpublished.

The opinion of the 21 DIST. COURT. court appears at Appendix ✓A to the petition and is  
[] reported at DC 99-114; or,  
[ ] has been designated for publication but is not yet reported; or,  
[ ] is unpublished.

RULE 20 PETITION FOR AN EXTRAORDINARY WRIT OF HABEAS CORPUS.

**JURISDICTION**

For cases from **federal courts**:

The date on which the United States Court of Appeals decided my case was 9-13-24

No petition for rehearing was timely filed in my case.

A timely petition for rehearing was denied by the United States Court of Appeals on the following date: \_\_\_\_\_, and a copy of the order denying rehearing appears at Appendix \_\_\_\_\_.

An extension of time to file the petition for a writ of certiorari was granted to and including \_\_\_\_\_ (date) on \_\_\_\_\_ (date) in Application No. A \_\_\_\_\_.

The jurisdiction of this Court is invoked under 28 U. S. C. § 1254(1).

For cases from **state courts**:

The date on which the highest state court decided my case was \_\_\_\_\_. A copy of that decision appears at Appendix \_\_\_\_\_.

A timely petition for rehearing was thereafter denied on the following date: \_\_\_\_\_, and a copy of the order denying rehearing appears at Appendix \_\_\_\_\_.

An extension of time to file the petition for a writ of certiorari was granted to and including \_\_\_\_\_ (date) on \_\_\_\_\_ (date) in Application No. A \_\_\_\_\_.

The jurisdiction of this Court is invoked under 28 U. S. C. § 1257(a).

# RULE 20 MOTION FOR AN EXTRA ORDINARY WRIT OF HABEAS CORPUS.

## CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED

US CONST 5<sup>TH</sup> AMEND. MULTIPLE PUNISHMENTS ARE PROHIBITED.  
MT CONST ART II § 25 NO PERSON SHALL BE PUT AGAIN IN  
JEOPARDY FOR THE SAME OFFENSE PREVIOUSLY TRIED IN ANY JURISDICTION.  
SEE : RULE 20 MOTION FOR EXTRAORDINARY RELIEF

MCA § 46-18-904 (3) MANDATES : "THE COURT SITTING IN ANY  
CONVICTING COUNTY SHALL RESENTENCE THE PERSON AS  
ORDERED BY THE SENTENCE REVIEW DIVISION." ON  
NOV 27<sup>TH</sup> 2000 IN DC 99-114 THE SENTENCE REVIEW  
DIVISION (SRD) ORDERED : "THE 10 YEAR PFO SENTENCE  
SHALL REMAIN THE SAME."

3 YEARS AFTER THIS SENTENCE EXPIRED THE  
21<sup>ST</sup> JUDICIAL DISTRICT COURT RAVALLI CO. MT. IMPOSED A 60 YEAR  
PFO (MCA § 46-18-502) SENTENCE. ON ROMAND, FROM OP 13-0258.

MCA § 46-18-108 (4) MANDATES : "IF TRUE, THE ACCUSED MUST  
BE SENTENCED AS PROVIDED BY THE LAW. (MCA § 46-18-502 PFO)"

MCA 46-18-905 MANDATES : "THE DECISION IN EACH CASE  
IS FINAL."

APPLICATION FOR AN EXTRAORDINARY WRIT OF HABEAS CORPUS

**STATEMENT OF THE CASE**

I, TRACEY R. GODFREY HAVE BEEN SENTENCED TWICE FOR THE SAME OFFENSE OF MCA § 46-18-502 persistent felony offender (P.F.O.) IN VIOLATION OF U.S. CONST, AMEND II AND MONTANA CONSTITUTION ARTICLE II § 25.

RULE 20 PETITION FOR AN EXTRAORDINARILY WIDEN OF HABEAS CORPUS.

**REASONS FOR GRANTING THE PETITION**

THE CONSTITUTIONS OF BOTH MT. AND U.S.A. PROHIBIT  
MORE THAN ONE PUNISHMENT FOR THE SAME OFFENSE,

PCV 20 PETITION FOR AN EXTRAORDINARY WRIT OF HABEAS CORPUS.

**CONCLUSION**

The petition for a writ of habeas corpus should be granted.

Respectfully submitted,

TRACY R. GUNNAR

Date: 9-16-24