

ORIGINAL

No. 25-6043

Supreme Court, U.S.
FILED

APR 22 2025

OFFICE OF THE CLERK

IN THE
SUPREME COURT OF THE UNITED STATES

IN RE ALEX SMITH

ON PETITION FOR A WRIT OF HABEAS CORPUS

PETITION FOR A WRIT OF HABEAS CORPUS

ALEX SMITH

700 CONLEY LAKE RD.

DEER LODGE, MT 59722

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Questions of Law

1. Was it a violation of a postconviction petitioner's rights under the Due Process Clause of the 14th Amendment to the U.S. Constitution, for the district court not to grant default judgment at hearing on 07-14-2025, given he was without counsel?
2. Did Montana supreme court violate petitioner's rights under the 14th Amendment to the U.S. Const. by denying Writ of Supervisory Control to take control over dist. court which ignored motions on purpose, that were sent by the petitioner, from after 09-07-2023 until ordered to respond by the supreme court and then for the supreme court to ignore newly discovered Miranda violations petitioner brought up in motions to convert postconviction to habeas corpus (and both courts suppressing information concerning petitioner's innocence)?

List of Parties

1. Mont. Eighth Jud. Dist. Court, Cascade Co. 415 2nd Ave. N.
Great Falls, MT 59401
2. Montana supreme court P.O. Box 203003 Helena, MT 59620
3. Boland Aarab Law (former defense counsel) 11 5th St. N. Ste.207
Great Falls, MT 59401

~~Montana Supreme Court P.O. Box 203003 Hel~~

Related Cases

DDV 21-589 on appeal, in postconviction
OP 22-0694 MT supreme court (MTSC) habeas denied for lack of merit.
OP 23-0241 MTSC supervisory control denied on false claims, by court.
OP223-0281 MTSC disregarded evidence, declined supervisory control.
OP 24-0281 MTSC denied habeas relief, falsely claiming no medical documents were provided the court.
OP 23-0282 MTSC denied sup. control, despite evidence that dist. court ignored motions for about 8 months and suppressed testimony.
OP 24-0008 MTSC denied habeas relief again claiming no medical docs were provided to court.

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TABLE OF AUTHORITIES

1. Alex Christopher Smith v Mont. Eighth Jud. Dist. Court, Hon. John W. Parker, presiding. No. OP 25-0093
2. State of Montana v Alex Christopher Smith No. DDC 21-589 original conviction

OPINIONS BELOW

This case is from state courts and the opinion from the highest state court to review the merits is at Appendix A and is published, appearing at Smith v Mont. Eighth Jud. Dist. Ct., 565 P.3d 1276 "we conclude that Smith is not entitled to supervisory control. The court adds that Smith is not entitled...to counsel." OP 25-00093

The opinion of the dist. court is not published and petitioner does not know how to get transcripts, as the contested actions and inactions of the court are either on oral denials in open court or not recorded because the court simply refused to respond to motions.

JURISDICTION

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

JURISDICTION

This case is from state courts. The date which the highest state court decided my case is 03-25-2025 and a copy of that decision appears at Appendix A.

I did not petition the Montana Supreme Court for a rehearing, due to their rampant disregard for facts and federal law, and I have tried many remedies in state courts to no avail.

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

see reverse side

Constitutional and Statutory Provisions

- A. Amendments 6, 8 and the 14 to the United States Constitution
Right to: assistance of counsel, be free from cruel and unusual punishment and both the Due Process Clause and protection of the state, respectively.
- B. U.S. Const. Supremacy Clause, Art.VI, Cl2,17 the U.S. Supreme Court has appellate jurisdiction over questions arising in... state courts
- C. 28 U.S.C.S Sections 2243 "A court...entertaining...the writ of habeas corpus shall forthwith award the writ...";1361 duty of officials to act on clearly established federal law (including case law); 1257(a) SCOTUS to review state court judgment that functions as the injury; 2254(b)(1)(B)(ii)state corrective process ineffective to protect the rights of the petitioner.
- D. Montana Const. Art.II, Section 4 Dignity of the human is inviolable; Art.II, Section 16 Justice shall be administered...without delay.
- E. Mont. Code Annotated: 46-21-201(2)counsel must be appointed, if a hearing is required for postconviction relief; 46-15-327 All evidence must be disclosed; 46-13-202(2) a hearing required on motion to suppress; 46-14-202(2) court may order defendant be committed for up to 60 days for examination; 46-14-213 expert may not opine as to whether defendant had a particular mental state during crime.

Case Law

- A. Wade v Mayo, 334 US 672, if possible remedies were exhausted to no avail, it may be futile to invoke a second remedy.
- B. Susan B. Anthony v Driehaus, 573 US 149 Test for standing.
- C. Chambers v Florida, 309 US 227 Confessions by defendants were obtained by coercion and duress, and, therefore, violated the 14th Am.
- D. Baumann v United States, 692 F.2d 565 Offender entitled to evidentiary hearing under postconviction petition.
- E. Martinez v Ryan, 566 US 1, a grant of default to petitioner in proceedings of postconviction if no counsel is appointed. See also
- F. State v Sawyer, 2019 MT 93 (Montana case)claims for relief that are not based on the record cannot be raised on direct appeal, but on postconviction.
- F. Ramirez v Ryan, 937 F.3d 1230, IAC found, reversal required on failure of counsel to present critical info to psychological examiner.
- G. Wiggins v Smith, 539 US 510, IAC found, reversal required on failure of counsel to investigate/present mitigating factors, including that defendant suffered abuse as child, homelessness, foster care and counsel did not investigate diminished capacity defense.

Standing

U.S. Const. ArtIII standing, which is based on separation of powers principles, serves to prevent the judicial process from being used to usurp the powers of political branches. To establish standing:

1) an injury in fact; 2)a sufficient causal connection between the injury and the conduct complained of, and; 3)a likelihood that the injury will be addressed by a favorable decision.

1) the state process used to secure my conviction caused injuries to my physical, financial and legal person (brain damage from denial of medical care after arrest) 2) the state had total power over me after my arrest and deprived me of means to petition the government for redress of my deprivations in all three aforementioned respects, resulting in forcing me to sign the plea deal. 3)a stay or reversal of charges will allow me to get medical help still needed since arrest, begin to allow me to seek redress through legal actions not available to me for the sole reason that I am incarcerated and state actors impede my means of redress.

STATEMENT OF THE CASE

Petitioner has many times supplied evidence and witness testimony to support his claims of ineffective assistance and deprivation of medical care as a pretrial detainee ^{reading} ~~rendering~~ his Alford plea involuntary/coerced. There are concerns of political interference in proceedings and claims alleging such have been suppressed, then partially brought back up for the sole purpose of delaying proceedings. This delay is alleged to be an abuse of process and prosecutorial misconduct, as there is more than sufficient evidence and testimony for reasonable minds to conclude that defense counsel sabotaged defendant's defense and state officials covered this up.

I attest that I was set up to be arrested for these contested charges by my Russian mafia-connected ex-wife, because I threatened to turn her in if she did not stop spying on U.S. military personnel in Great Falls, MT and elsewhere. There is ample evidence that I was planning on turning her in, namely a call I made to my wife's (Ekaterina P. Smith) employer (Illuminate) and other evidence I'd rather not speak of until I'm released due to all the interference/cover ups. Being incarcerated is heavily restricting my ability to fight my case, because local officials involved in this cover up are very connected throughout the state and prison system. I have been physically assaulted, threatened, deprived of access to courts, had legal mail intercepted and subject to numerous other actions intended to stop me from proving my innocence.

I have sought relief in Montana Supreme Court, which has repeatedly made false claims about evidence I presented supporting my claims.

I tried to get relief via Executive Clemency, thwarted by the MT Board of Pardons and Parole, who have denied both parole and usurped the state governor's power by denying clemency in violation of Montana's Constitution (usurping the power to deny clemency).

The Judicial Standards Commission of Montana refuses to hold judges accountable to state and federal laws.

State officials appear to care more about the profit from keeping prisoners imprisoned than fulfilling duties they swore an oath to keep. These problems have been noted on various news reports, such as the parole board starting to grant parole less often after the position became a paid one. As such there is no remedy for me at the state level and the delay of state courts will keep me from federal dist. courts for a potentially long time.

I also sought relief (habeas) in U.S. Federal District Court, Great Falls Division, noting the above deprivations and was denied habeas relief.

REASONS FOR GRANTING THE PETITION

The injuries listed on reverse page can only be addressed by a reversal of charges and discharge upon reversal of the petitioner. Proper administration of the courts is the backbone of our freedom and political interference should never bear upon one caught in the cross-hairs of a prosecution intent of inflicting the utmost unfairness into the judicial process. It is especially important to make sure that spies and organized criminals with foreign state-sponsorship cannot use our courts to wage war against a citizen of his own country.

Habeas corpus has been illegally suspended for me and I have been treated more like a person in a third world country, subjected to the whims of those crazy with power and nobody to hold them accountable for their infringements on so many of my rights. Please help an innocent man get back to his children and other family, all of whom need and want him back.

ALEX SMITH #3032443
700 Conley Lake Rd.
Deer Lodge, MT 59722

Reasons... continued

At the hearing for postconviction relief, dated 07-14-2025, I presented the following:

My grounds for relief referenced from a typed-version of my original hand-written grounds for relief that may have been hard to read, that I submitted to the court, dated 02-18-24.

1. Approx. 90 days elapsed between my arrest and having counsel work on my case & counsel failed to object. Counsel in *State v Johnston*, 2010 MT 152 was found ineffective for failing to object. In *State v Jefferson*, 2003 MT 90 Mont., supreme court acknowledges pretrial incarceration [*P24] impedes defendant's preparation for trial and this is to carry more weight than other factors. I was without counsel to collect evidence such as proper tox screen that police did not timely collect.

2. Counsel failed to collect evidence (medical records, phones, etc...) and *State v Fisher*, 2021 MT 255 [*P29] terms the exculpatory value of lost can be apparent in its centrality in the case and connection to material questions and that all evidence must be disclosed, regardless of good/bad faith of the State. *State v Santoro*, 2019 MT 192 shows IAC when counsel did not subpoena witness/preserve testimony of Lyndon Forrester and Marv Stutzman. Wrong expert was chosen to evaluate me for neurological symptoms that should have been noticed by counsel and Dr. Smelko, on observing me and reading the log of symptoms I provided. I also asked counsel. prior to inadequate exam done by Smelko. *Ramirez v Ryan*, 937 F.3d 1230 shows IAC where counsel failed to present critical info to examiner, as my counsel did not collect any of my medical records. In *Wiggins v Smith*, 539 US 510, IAC was found when counsel failed to investigate/present that defendant a. was abused by his mom b. suffered homelessness c. in foster care or investigate diminished capacity defense, which parallels my life and defense counsel's failures.

3. Conflict of interest because counsel was actively representing an actual COI that may have caused/made worse the breakdown in communication between me & counsel & between counsel & their paralegal, Chelsea. See *State v Christenson*, 250 Mont. 351 COI may explain mistakes such as Ms. Aarab falsely stating that I got drunk despite seeing a video of me getting violent when drunk, calling me guilty despite that I told counsel I am innocent (see *Staten v Jefferson*, 2023 MT 90. There is no excuse for this, or for counsel to confuse other important details, such as, the type of phone I had or Mr. Aarab saying if I took the plea I would be "out in 18 months and back at home with your wife and kids."

