

APPENDIX A

Judgments against which relief has been sought.

OP 25-0093

DDC-21-589

Judicial Standards Commission, State of Montana

Montana Board of Pardons and Parole

*These show complete exhaustion of all possible state remedies.*

EXHIBIT  
OP 2593

ORIGINAL

FILED

03/25/2025

Bowen Greenwood  
CLERK OF THE SUPREME COURT  
STATE OF MONTANA

Case Number: OP 25-0093

IN THE SUPREME COURT OF THE STATE OF MONTANA

OP 25-0093

ALEX CHRISTOPHER SMITH,

Petitioner,

v.

MONTANA EIGHTH JUDICIAL DISTRICT  
COURT, HON. JOHN W. PARKER, Presiding,

Respondent.

ORDER

FILED

MAR 25 2025

Bowen Greenwood  
Clerk of Supreme Court  
State of Montana

In a February 14, 2025 Order, this Court directed the Honorable John W. Parker of the Eighth Judicial District Court to file a response to self-represented Petitioner Alex Christopher Smith and what we deemed a Petition for Writ of Supervisory Control concerning his pending petition for postconviction relief filed in July 2023. The prior Order detailed the procedural background and Smith's history with this Court. Smith has since filed two separate pleadings: (1) objections to this Court's Order deeming his writ of mandamus a writ of supervisory control, and (2) a request for habeas corpus relief.

The District Court filed a response to our order. The court provides that a hearing has been scheduled for 9:00 A.M. on June 17, 2025, and that Smith will be transported for his personal appearance at the hearing. The court adds that Smith is not entitled to appointment of counsel.

We conclude that Smith is not entitled to supervisory control. Supervisory control is appropriate on a case-by-case basis. "Supervisory control is an extraordinary remedy, reserved for extraordinary circumstances." *Stokes v. Mont. Thirteenth Judicial District Ct.*, 2011 MT 182, ¶ 5, 361 Mont. 279, 259 P.3d 754. This matter is not appropriate for supervisory control as Smith's pending postconviction matter is being addressed by the District Court. Therefore,

RECEIVED

APR 22 2025

OFFICE OF THE CLERK  
SUPREME COURT, U.S.

(1) objection 2-18-25  
(2) request for habeas 2-28-25

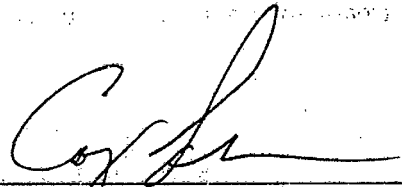
SCOTUS-407-173

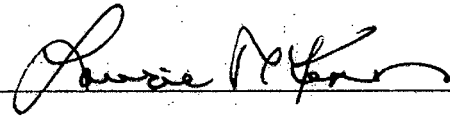
IT IS ORDERED that:

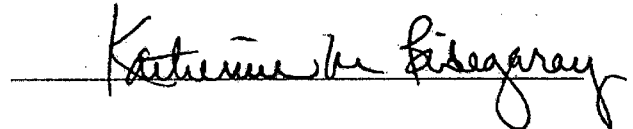
1. Smith's Petition for Writ of Mandamus, deemed a Writ of Supervisory Control, is DENIED and DISMISSED;
2. Smith's Pleading with his objections is DENIED, as moot;
3. Smith's Motion for Habeas Corpus Relief is DISMISSED, and
4. this matter is CLOSED as of this Order's date.

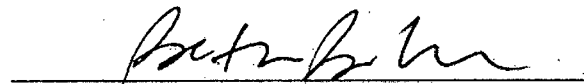
The Clerk is directed to provide a copy of this Order to: the Honorable John W. Parker, District Court Judge; Tina Henry, Clerk of District Court, under Cause No. DDV-23-034; counsel of record; and Alex Christopher Smith personally.

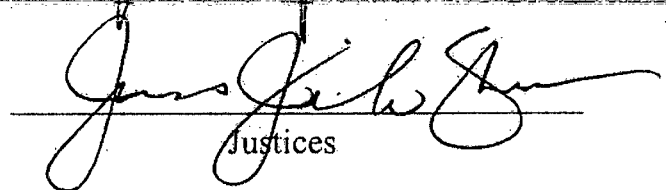
DATED this 25<sup>th</sup> day of March, 2025.

  
\_\_\_\_\_  
Chief Justice

  
\_\_\_\_\_

  
\_\_\_\_\_

  
\_\_\_\_\_

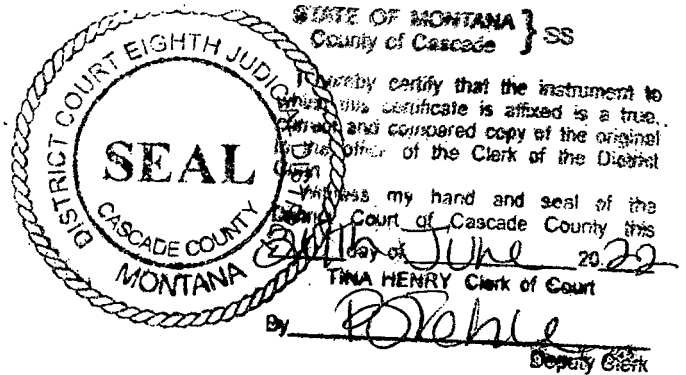
  
\_\_\_\_\_  
Justices

SCOTUS HC 7

SCOTUS-HC 2-24

note: This Judgement/Order is missing  
the final pages, which District Court will not  
provide.

Exhibit  
JOCAS01



MONTANA EIGHTH JUDICIAL DISTRICT COURT, CASCADE COUNTY

STATE OF MONTANA,

Plaintiff,

Cause No. DDC-21-589

vs.

ALEX CHRISTOPHER SMITH,

**JUDGMENT OF CONVICTION  
AND SENTENCING ORDER**

Defendant.

On June 24, 2022, this matter came before the Court for the sentencing of Defendant Alex Christopher Smith. The Defendant appeared in court with court-appointed counsel Caitlin Boland Aarab. The State of Montana was represented by Chief Deputy Cascade County Attorney Kory Larsen.

The Defendant previously entered a *Nolo Contendere* plea to committing the following offenses:

- (A) Count II: Assault with a Weapon (Reasonable Apprehension), a felony, in violation of § 45-5-213(1)(b), MCA; and,
- (B) Count III: Assault with a Weapon (Reasonable Apprehension), a felony, in violation of § 45-5-213(1)(b), MCA.

1 Pursuant to § 46-18-11, MCA, the Montana Department of  
2 Corrections, by and through Probation Officer Tim Hides of the  
3 Adult Probation and Parole Division, conducted a pre-sentence  
4 investigation and filed and served a report of such  
5 investigation upon the Court and parties prior to sentencing.  
6 The State and the Defendant made sentencing recommendations to  
7 the Court. The Court gave the Defendant the opportunity to  
8 address the Court prior to sentencing. The parties asserted no  
9 legal reason the Court should not proceed with sentencing.  
10

11 In determining the appropriate sentence in this case, the  
12 Court has considered: (1) the correctional and sentencing  
13 policies of the policy of the State of Montana; (2) the unique  
14 facts and circumstances of this case as set forth in the  
15 pleadings and prior proceedings before this Court; (3)  
16 Defendant's prior criminal history; (4) Defendant's additional  
17 unique history and circumstances as set in the pre-sentence  
18 investigation report filed in this matter; (5) the terms of the  
19 plea agreement, if any, between Defendant and the State; and (6)  
20 the Defendant's individual characteristics, circumstances, needs  
21 and potential for rehabilitation and to return to productive and  
22 responsible status as a citizen of this State.  
23  
24

25 THEREFORE, pursuant to Title 46, Chapter 18, MCA, the Court  
26 hereby orders, adjudges, and decrees as follow:  
27  
28

1 A. Count II: Assault with a Weapon (Reasonable  
2 Apprehension), a felony, in violation of § 45-5-  
3 213(1)(b), MCA.

4 In regard to Count II: Assault with a Weapon  
5 (Reasonable Apprehension), the Defendant is hereby  
6 committed to the Montana State Prison to serve a  
7 twenty (20) year term.

8 B. Count III: Assault with a Weapon (Reasonable  
9 Apprehension), a felony, in violation of § 45-5-  
10 213(1)(b), MCA.

11 In regard to Count III: Assault with a Weapon  
12 (Reasonable Apprehension), the Defendant is hereby  
13 committed to the Montana State Prison to serve a  
14 twenty (20) year term. This sentence shall run  
15 consecutive to the sentence imposed in Count II.

16 C. Miscellaneous.

- 17 (1) Counts I, IV, and V are hereby dismissed.
- 18 (2) The Defendant shall pay victim restitution in the  
19 amount of \$10,544.10, to the Department of  
20 Corrections (\$7,336.22 payable to Ekaterina Smith  
21 & \$3,207.88 payable to the Crime Victims  
22 Compensation).
- 23 (3) The Defendant shall enroll in and successfully  
24 complete a chemical dependency evaluation and  
25 follow all of the recommendations.
- 26 (4) The Defendant shall enroll in and successfully  
27 complete a mental health evaluation and follow  
28 all of the recommendations.
- (5) The Defendant shall enroll in and successfully  
complete a Batterer's Treatment Class with the  
specific standards of the Duluth Model. The  
Montana State Prison shall provide this program  
for the Defendant.
- (6) The Defendant shall register as a Violent  
Offender.
- (7) The Defendant shall receive credit for 315 days'  
time served prior to sentencing in this matter.

exh. conviction order 3

# JO CASO 4

(8) The Defendant is subject to conditions 6, 13, 14, 16, 17, and 35(c) of probation as set forth on pages 9-11 in the Pre-Sentence Investigation Report filed in this case on May 24, 2022 (Doc. 45).

IT IS FURTHER ORDERED that any bond posted in this matter is hereby exonerated.

FINALLY, pursuant to § 46-18-116, MCA, in the event that this written judgment conflicts with the Court's prior oral pronouncement of sentence or other disposition, the Defendant or the prosecutor in the county in which the sentence was imposed may, within 120 days after filing of the written judgment, request that the Court modify the written judgment to conform to the oral pronouncement. Pursuant to § 46-18-116(2), MCA, the Court shall, following a hearing, modify the written judgment to conform to the oral pronouncement. Pursuant to § 46-18-116(2), MCA, Defendant must be present at the hearing unless Defendant waives the right to be present or elects to proceed pursuant to § 46-18-115, MCA. Pursuant to § 46-18-116(2), MCA, Defendant and the State waive the right to request modification of the written judgment if a request for modification of the written judgment is not timely filed within 120 days after the filing date of the written judgment in the above-captioned matter.

In contrast, pursuant to § 46-18-116(3), MCA, the Court may correct a factually erroneous sentence or judgment at any time. However, pursuant to § 46-18-116(3), MCA, the parties must address any alleged illegal sentence in the manner otherwise

exh. conviction order 4

provided for by law for appeal and postconviction relief.

DATED this 29th day of June, 2022.



JOHN W. PARKER  
DISTRICT JUDGE

JOCASOS

cc: County Attorney/Kory Larsen  
Defense Counsel/Caitlin Boland-Aarab  
Defendant, c/o counsel  
Adult Probation and Parole/Tim Hides  
Cascade County Sheriff's Office (2 certified copies)  
Great Falls Police Department  
Montana State ID (MANS only)  
Montana State Prison  
Montana Department Corrections - jcorlegal@mt.gov  
Victim, c/o County Attorney

exh. conviction order 5



JUDICIAL STANDARDS COMMISSION  
STATE OF MONTANA

301 S. PARK, SUITE 328  
P.O. BOX 203005  
HELENA, MONTANA 59620-3005  
TELEPHONE (406) 841-2976  
FAX (406) 841-2955

PERSONAL AND CONFIDENTIAL

December 12, 2024

Alex Smith #3032443  
Crossroads Correctional Center  
50 Crossroads Dr.  
Shelby, MT 59474

*Commission refused to  
investigate Judge Parker*

RE: File No. 24-069

Dear Mr. Smith:

The Judicial Standards Commission has reviewed and considered your grievance against District Court Judge, John Parker.

Matters relating to the ethical conduct of judicial officers are governed by the Code of Judicial Conduct adopted by the Montana Supreme Court. The Commission members consist of two district court judges, a lawyer, and two lay persons. The Commission has the responsibility to determine if the judicial conduct in a given case is contrary to the requirements of the Code of Judicial Conduct. The Commission does not have jurisdiction over matters that are appealable to a higher court or other conduct or disputes that do not involve violations of the Code of Judicial Conduct.

On December 9, 2024, your grievance was fully reviewed, discussed, and evaluated by the members of the Commission present at the meeting. The Commission determined that there is no ethical violation or judicial misconduct in violation of the Code of Judicial Conduct that warrants further action by the Commission.

A motion was made and adopted to dismiss the grievance. Accordingly, you are notified that the grievance has been dismissed.

As the dismissal of this grievance concludes formal action by the Commission, the provisions requiring confidentiality are no longer in effect.

Very truly yours,

JUDICIAL STANDARDS COMMISSION

A handwritten signature in cursive script, appearing to read "Michael Menahan".

Hon. Michael Menahan, Chair

MM/ss

EXHIBIT  
BOPP-1



## Montana Board of Pardons and Parole

1002 Hollenbeck Road, Deer Lodge, MT 59722 || 406-846-1404

Greg Gianforte, Governor

Steve K. Hurd, Board Chair

June 10, 2024

Alex SMITH DOC#3032443  
Crossroads Correctional Center

### Re: Application for Executive Clemency dated 4-24-2024

Mr. Smith,

The Board of Pardons and Parole (BOPP) has received your application for executive clemency (commutation), on June 10, 2024.

There are multiple types of clemency (pardon, commutation of sentence, remission of financial obligations, and respite). As noted above, your application specifically requests a commutation.

Pursuant to Rule 20.25.901A, Administrative Rules of Montana, a commutation involves the mitigation of a criminal punishment through the substitution of a lesser sentence for a greater one. A hearing panel may recommend commutation for an individual who: (b) has demonstrated an extended period of exemplary performance;

Montana Department of Corrections records indicates that you were the subject of a disciplinary hearing on 1/28/23 and were found guilty of #4201 Fighting with Another Person and again the subject of a disciplinary hearing on 2/1/23 where you were found guilty of #4208 Insolence. The BOPP does not find an established extended period of exemplary performance. You do not meet criteria established in A.R.M. 20.25.901A and are not eligible to seek a commutation at this time.

Also of note, your application for clemency is incomplete and is based largely on the argument your felony conviction is illegal. A claim challenging the legality of your conviction/sentence must be raised in an appropriate court by means of appeal or post-conviction relief. The BOPP has no jurisdiction to determine whether a criminal conviction was obtained in violation of your constitutional rights.

For these reasons, your application is being returned to you. No further action will be taken on the April 24, 2024, application for a commutation.

Respectfully,

Michael A. Buckley  
Chief of Staff  
Board of Pardons and Parole

#4201 - I was attacked by Jose Martinez  
for accusing defense counsel of sabotaging my defense,  
in early 2023 (approx February)

## APPENDIX B

Exhibits and other documentary evidence.

- case register reports
- motions & habeas ignored by courts & other filings that should have been addressed as urgent pleas for help.
- communications to court ex parte that could have been interpreted as an appeal or complaint, requiring some action
- grievances showing pretrial torture and later attacks

Date: 5/4/2023  
Time: 02:25 PM  
Page 1 of 1

Cascade County District Court  
Case Register Report  
DV-7-2023-0000034-JR  
Alex Smith vs. State of Montana

User: DSTEWART

Filed: 1/19/2023  
Subtype: Judicial Review

Exhibit XIII

Status History

Open 1/19/2023

Plaintiffs

Pl. no. 1 Smith, Alex

Defendants

Def. no. 1 State of Montana

Judge History

Date	Judge	Reason for Removal
1/19/2023	Best, Elizabeth	Companion Case
1/19/2023	Parker, John W	Current

Register of Actions

Doc. Seq.	Entered	Filed	Text	Judge
	01/19/2023	01/19/2023	New Case Filed	Best, Elizabeth
1.000	01/19/2023	01/19/2023	Affidavit of Inability to Pay Filing Fees and Other Costs	Parker, John W
2.000	01/27/2023	01/26/2023	Order on Inability to Pay Pay Filing Fees in Accordance with 25-10-404 MCA. (Granted)	Parker, John W

- Feb through April
- missing depositions and interrogatories of counsel
  - order for counsel to respond to charges of malpractice
  - state motion to depose defense counsel

Compare to EXHIBIT XIV

Date - Not current, but purpose is to show disappeared/suppressed proceedings between filing and 5/4/23

There are numerous errors on this

register report, the court has no record of my address change, or other actions. See "approximate register of actions" for details. Judge Best could hear this case.

exh. XIII CAR 050423

Cascade County District Court  
Case Register Report  
DC-7-2021-0000589-IN  
State of Montana vs. Alex Christopher Smith

User: KRANSOM

Register of Actions

Def.	Doc. Seq.	Entered	Filed	Text	Judge
1	48.000	06/24/2022	06/24/2022	Minute Entry - Sentencing	Parker, John W
1	49.000	06/24/2022	06/24/2022	Order of Incarceration	Parker, John W
1	50.000	06/24/2022	06/24/2022	Notice of Right to Apply for Review of Sentence	Parker, John W
1	51.000	06/24/2022	06/24/2022	Judgment of Conviction and Sentencing Order AS SET FORTH	Parker, John W
1	52.000	07/06/2022	07/06/2022	Application for Review of Sentence	Parker, John W
1	53.000	07/06/2022	07/06/2022	Case Register Report	Parker, John W
1	54.000	07/07/2022	07/06/2022	Notice of Ex Parte Communication and Order to Seal	Parker, John W
1	55.000	07/20/2022	07/20/2022	Clerk's Certificate and Statement	Parker, John W
1	56.000	07/20/2022	07/20/2022	Receipt - Documents sent to SRD	Parker, John W
1	57.000	09/23/2022	09/23/2022	Notice of Sentence Review Hearing	Parker, John W
1	58.000	11/16/2022	11/16/2022	Sentence Review DECISION (decreased) Count II (20 with 10 suspended) Count III (10 all suspended consecutive to Count II)	Parker, John W
1	59.000	01/18/2023	01/18/2023	Motion for Order Preserving Defense Counsel from Disciplinary or Malpractice Claims (State)	Parker, John W
1	60.000	01/19/2023	01/19/2023	Order	Parker, John W
1	61.000	02/01/2023	02/01/2023	Affidavit of Samir Aarab	Parker, John W
1	62.000	02/01/2023	02/01/2023	Affidavit of Caitlin Boland Aarab	Parker, John W

111824-register pt 2

**Cascade County District Court**  
**Case Register Report**  
**DC-7-2021-0000589-IN**  
**State of Montana vs. Alex Christopher Smith**

User: KRANSOM

**Register of Actions**

Def.	Doc. Seq.	Entered	Filed	Text	Judge
1	14.000	10/13/2021	10/12/2021	Notice of Appearance and Request for Discovery (M. Kuntz)	Parker, John W
1	15.000	10/13/2021	10/13/2021	Order Setting Hearing on Bail Reduction	Parker, John W
1	16.000	10/27/2021	10/27/2021	Motion to Continue Bail/Bond Hearing Unopposed	Parker, John W
1	17.000	10/28/2021	10/28/2021	Order Continuing Bail/Bond Hearing	Parker, John W
1	18.000	11/09/2021	11/08/2021	Notice of Assignment (S. Aarab)	Parker, John W
1	19.000	11/09/2021	11/08/2021	Notice of Appearance of Co-Counsel (C. Aarab)	Parker, John W
1	20.000	11/09/2021	11/08/2021	Notice of Appearance and Discovery Demand	Parker, John W
1	21.000	11/09/2021	11/08/2021	Notice of Appearance and Discovery Demand	Parker, John W
1	22.000	11/10/2021	11/10/2021	Minute Entry - Omnibus	Parker, John W
1	23.000	11/16/2021	11/16/2021	Order Resetting Omnibus and Status/Scheduling Hearing	Parker, John W
1	24.000	11/18/2021	11/18/2021	Motion to Reset Bail Hearing	Parker, John W
1	25.000	11/18/2021	11/18/2021	Order Continuing Bail Hearing	Parker, John W
1	26.000	12/03/2021	12/03/2021	Minute Entry - Bail	Parker, John W
1	27.000	12/03/2021	12/03/2021	Motion to Reset Bail/Omnibus and Scheduling Hearings	Parker, John W
1	28.000	12/03/2021	12/03/2021	Order Resetting Bail/Omnibus and Scheduling Hearings	Parker, John W
1	29.000	12/06/2021	12/06/2021	Minute Entry - Bail/Omnibus/Scheduling Conference	Parker, John W
1	30.000	12/06/2021	12/06/2021	State's Exhibit 1	Parker, John W
1	31.000	12/09/2021	12/09/2021	Omnibus Order	Parker, John W
1	32.000	12/10/2021	12/09/2021	Defendant's Expert Disclosure	Parker, John W
1	33.000	12/17/2021	12/17/2021	Motion to Suppress Statements & Brief in Support	Parker, John W
1	34.000	01/13/2022	01/12/2022	Motion to Continue Status Hearing and Trial	Parker, John W
1	35.000	01/13/2022	01/12/2022	Order Resetting Status Hearing, and Trial	Parker, John W
1	36.000	03/21/2022	03/21/2022	Motion for Status Hearing	Parker, John W
1	37.000	03/23/2022	03/22/2022	Order Setting Status Hearing	Parker, John W
1	38.000	03/25/2022	03/24/2022	Acknowledgement of Walver of Rights by Plea of Guilty	Parker, John W
1	39.000	03/25/2022	03/24/2022	Plea Agreement	Parker, John W
1	40.000	03/25/2022	03/24/2022	Motion to Vacate Status Hearing, Status Hearing and Trial and set a Change of Plea Hearing	Parker, John W
1	41.000	03/28/2022	03/25/2022	Order Vacating Status Hearing, Status Hearing, and Trial and Set a Change of Plea Hearing	Parker, John W
1	42.000	04/06/2022	04/06/2022	Minute Entry - Change of Plea	Parker, John W
1	43.000	04/07/2022	04/07/2022	Order Setting Sentencing on Change of Plea	Parker, John W
1	44.000	05/04/2022	05/03/2022	Defendant's Notice of Receipt of Additional Discovery	Parker, John W
1	45.000	05/24/2022	05/24/2022	Pre-Sentence Investigation	Parker, John W
1	46.000	06/02/2022	06/01/2022	Unopposed Motion to Reset Sentencing Hearing	Parker, John W
1	47.000	06/03/2022	06/02/2022	Order Resetting Sentencing Hearing	Parker, John W

111824-register rpt 3

Date: 3/2/2023  
Time: 04:02 PM  
Page 1 of 3

Cascade County District Court  
Case Register Report  
DC-7-2021-0000589-IN  
State of Montana vs. Alex Christopher Smith

User: KRANSOM

Filed: 8/16/2021  
Subtype: Information

**Status History**

Open	8/16/2021
Pending	8/16/2021
Active	9/1/2021
Closed	6/24/2022

**Prosecutors**

Larsen, Kory V.	(Primary attorney)	Send Notices
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**Defendants**

Def. no. 1 Smith, Alex Christopher

**Attorneys**

Kuntz, Michael		Do Not Send Notices
Aarab, Samir	(Primary attorney)	Send Notices
Aarab, Caitlin Boland		Send Notices

**Charges**

No.	Revision	Statute	Description
1 Original:	202001	45-5-102	Deliberate Homicide
2 Original:	202001	45-5-213	Assault With Weapon
3 Original:	202001	45-5-213	Assault With Weapon
4 Original:	202001	45-5-207	Criminal Endangerment
5 Original:	202001	45-5-207	Criminal Endangerment

**Judge History**

Date	Judge	Reason for Removal
8/16/2021	Parker, John W	Current

**Register of Actions**

Def.	Doc. Seq.	Entered	Filed	Text	Judge
1	1.000	08/16/2021	08/16/2021	Motion for Leave to File Information Direct and Affidavit in Support	Parker, John W
1	2.000	08/16/2021	08/16/2021	Order for Leave to File Information Direct	Parker, John W
1	3.000	08/16/2021	08/16/2021	Information	Parker, John W
1	4.000	08/16/2021	08/14/2021	Arrest Warrant Issued Bond amount: 500000.00 Defendant: Smith, Alex Christopher	Parker, John W
1	5.000	08/17/2021	08/17/2021	Arrest Warrant Defendant: Smith, Alex Christopher	Parker, John W
1	6.000	08/17/2021	08/17/2021	Motion for Arraignment	Parker, John W
1	7.000	08/17/2021	08/17/2021	Order Upon Initial Appearance (\$500,000 Bail)	Parker, John W
1	8.000	08/18/2021	08/18/2021	Order Setting Arraignment	Parker, John W
1	9.000	09/01/2021	09/01/2021	Minute Entry - Arraignment	Parker, John W
1	10.000	09/02/2021	09/02/2021	Order Setting Trial Date Requiring Discovery and Setting Omnibus Hearing	Parker, John W
1	11.000	10/12/2021	10/12/2021	Motion to Continue Omnibus Hearing (St)	Parker, John W
1	12.000	10/13/2021	10/12/2021	Order Resetting Omnibus Hearing	Parker, John W
1	13.000	10/13/2021	10/12/2021	Motion for Bail Reduction Hearing (D)	Parker, John W

111824-rpt4

Roa Listing  
DV-7-2023-0000034-JR

Date	Filing #	Code	Action	Clerk	Judge
<b>Alex Smith vs. State of Montana</b>					
09/11/2023	9.00	DOCO	Order on Hearing	CUB068	Parker, John W
09/07/2023	8.00	DOCS	Minute Entry- Status & Scheduling Conference	CUC479	Parker, John W
08/09/2023	7.00	DOCS	Motion to Change of Judge and for Court to issue Certificate of Reasonable Doubt and Fix Bail and Introduce Documents in Support of Reasonable Doubt. (Filed By Smith, Alex on behalf of Smith, Alex )	CUC933	Parker, John W
07/14/2023	6.00	DOCS	Motion to Expedite Petition for Postconviction Relief and Grant Habeas Corpus (Filed By Aarab, Caitlin on behalf of Smith, Alex )	CUB068	Parker, John W
07/10/2023	5.00	DOCO	Order Setting Hearing And Scheduling Conference	CUC939	Parker, John W
05/16/2023	4.00	DOCS	Notice (Filed By Smith, Alex on behalf of Smith, Alex )	CUB068	Parker, John W
05/10/2023	3.00	DOCS	Motion to Amend Grounds for Relief in Petition for Postconviction Relief and Grant Early Release for Medical Needs (Filed By Smith, Alex on behalf of Smith, Alex )	CUB068	Parker, John W
01/26/2023	2.00	DOCOR	Order on Inability to Pay Pay Filing Fees in Accordance with 25-10-404 MCA. (Granted)	CUB571	Parker, John W
01/19/2023	1.00	DOCAIP	Affidavit of Inability to Pay Filing Fees and Other Costs	CUB068	Parker, John W
01/19/2023		CASEFILE	New Case Filed	CUB068	Best, Elizabeth

Inaccurate Record - Cover up

Exhibit  
XIR-1

Cascade County District Court

User: CUA063

Roa Listing  
DV-7-2023-0000034-JR

Date	Filing #	Code	Action	Clerk	Judge
<b>Alex Smith vs. State of Montana</b>					
03/13/2024	22.00	DOCS	Notice (Filed By Smith, Alex on behalf of )	CUB571	Parker, John W
03/13/2024	21.00	DOCS	Petition (No Fee) (Filed By Smith, Alex on behalf of )	CUB571	Parker, John W
01/26/2024	20.00	DOCS	Notice (Filed By Smith, Alex on behalf of )	CUB571	Parker, John W
01/16/2024	19.00	DOCS	Supreme Court Order - Petition for Writ of Habeaus Corpus - DENIED	CU0137	Parker, John W
01/03/2024	18.00	DOCS	Notice of Ex Parte Communication	CUB068	Parker, John W
12/22/2023	17.00	DOCS	Notice (Filed By Smith, Alex on behalf of )	CUB571	Parker, John W
12/08/2023	16.00	DOCS	Notice of Ex Parte Communication (Filed By on behalf of )	CUB068	Parker, John W
12/06/2023	15.00	DOCS	Motion for Emergency Hearing (Filed By Smith, Alex on behalf of )	CUB571	Parker, John W
11/27/2023	14.00	DOCS	Request For Clerk of Court to Enter Default For withdrawal of Plea Granting Habeas corpus(Filed By Smith, Alex on behalf of )	CUB571	Parker, John W
11/27/2023	13.00	DOCS	Motion for Order to Depose Petitioner's Former Counsel and for Discovery (Filed By Smith, Alex on behalf of )	CUB571	Parker, John W
11/03/2023		PROP	Proposed Order	CUC479	Parker, John W
11/03/2023	12.00	DOCS	Motion for Status Hearing	CUC479	Parker, John W
10/17/2023	11.00	DOCS	Motion Grant Summary Judgment of Habeas Corpus Withdraw Plea of Nolo Contendere and Reverse charges of 2 X Assault with a Weapon (Filed By Smith, Alex on behalf of )	CUB571	Parker, John W
09/19/2023	10.00	DOCO	Order (motion to disqualify denied)	CUB068	Parker, John W

8:19 AM

1 of 2

5/8/2024

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Facts Supporting Summary and Default Judgment

1. Courts acknowledging overcrowding concerns on inmate health, have options outlined in *Brown v Plata* (9th Cir), which include convening a 3-judge panel in a district court in the state affected. This court could order the parole board (injunctive) to grant parole to inmates being deprived of health services. prisons could be ordered to hire more mental health and other doctors and the courts themselves could elect to speed-up appeals process to grant relief (such as my case) in a single hearing (if supported by law), instead of clogging the system with people like me, who clearly deserve relief.
2. Documents already provided to the courts, proving medical deprivations, referenced news reports that cover Cascade County jail's overcrowding and lack of medical services, jailing psychiatric patients (in public domain of knowledge). There is no dispute to these material facts.
3. Uncollected evidence that counsel should have found if exercising reasonable care and skill is apparent upon a cursory review of police report, exhibits "M" and "O" show the existence of more than one phone: (406) 403-4638 and (760) 651-2539 (iPad phone #), as well as another phone and medical records counsel didn't collect from Great Falls Clinic, Benefis in Great Falls and a hospital in Oregon (the petitioner motioned for district court to subpoena medical records, but has not done so, which has further caused spoliation of evidence).
4. At sentencing, no mitigating factors were presented of chronic insomnia, itching, testimony to prove PTSD, possible poisoning, nor were medical records retrieved to support a lesser sentence (or motion to drop charges). Counsel failed to argue, as promised by Mr. Aarab, for a lesser sentence. Counsel failed to order MRI and other tests (services of such investigators as Sleep Forensics Associates) to prove brain damage caused or exacerbated by conditions in jail (and the defendant's falling off a balcony, noted in police report, via neighbor statement).
5. Hon. John W. Parker should have ordered depositions from defense counsel (Aarabs) regarding petitioner's malpractice claims, expedited proceedings for cause (as provided for in Mont. Const. Art. II, Section 16, guaranteeing speedy remedies for all injuries), converted the postconviction petition to habeas corpus on claims of Miranda violation (exhibit MRND). Hon. Parker could also initiate the convening of a 3-judge district court panel, to address overcrowding in his County's jail and Montana's prisons, all of which are in violation of federal laws enacted to protect inmates from such abuses and deprivations (8th and 14th Amendments in U.S. Constitution (*Brown v Plata*)). Options such a panel could order via injunction: hiring more medical staff, building more facilities, ordering Board and Pardons and Parole to release more inmates on medical parole and recommend clemency/pardons to those obviously deserving.
6. Default is appropriate where affirmative relief is sought from one who fails to respond, or otherwise defend. District court has not advanced any reason to delay hearings further, to not convert the petition for one of habeas corpus, has stated inaccurate information regarding case and has not offered a reason not to expedite, despite that petitioner probably has colon cancer (based on symptoms) that the prison refuses to treat.
7. Summary judgment is appropriate when the material facts show that the plaintiff is entitled to the relief sought, according to law and there is no dispute to any material fact. The (Deputy County Attorney) prosecution has had ample time (over two years) to attempt to disprove the petitioner's claims and has made no effort to do so, nor raised any objections to reversal of charges, expediting relief. If there are any proofs needed to support a reversal, they could be obtained by via the subpoenas and depositions requested by the petitioner and the matter could be disposed of quickly.
8. In lieu of an immediate decision (reversal of charges) the court could issue a certificate of reasonable doubt and allow bail pending hearings, so petitioner can get medical help prison will not provide.

9. Hon Parker's court does not appear to be sufficiently aware of ~~the~~ pertinent details of the underlying postconviction case, possibly because of high case load, violating his 14th Amendment right to protection of the state of Montana.

Alex Smith #3032443 03-25-25 alex.smith

EXHIBIT FS-0P2S93

SCOTUS - 4021

Alex Smith  
SOCROSS

IN THE SUPREME COURT OF MONTANA  
OP-25-0093

MT Eighth J. DIST. CT.  
Hon. John W. Parker, ~~Respondent~~ Presiding,  
Respondent.

objections

Petitioner raises two objections to the Supreme Court of Montana's Order on "deemed" Writ of Supervisory Control.

1. Habeas corpus and postconviction remedies are considered closely intertwined, per Lott v State [P14] Further, since it is considered illegal to secure a conviction by torturing a pretrial detainee (MCA 45-5-204 via medical deprivation), the court has an obligation to correct a sentence that was illegally imposed in violation of the U.S. Constitution Amendments 8, 6 and 14. The court shall, per Haines v Kerner (SCOTUS and Allen v Caldron 9th Cir), "liberally construe" the pro se litigant's argument to achieve the pursuit of justice. In Hendrickson v Eschenbacher (2019 MT 247 N), the District Court "converted" the petitioner's petition for habeas corpus to one of postconviction relief, thus any court attached to this matter should so "convert" this petition to remedy an illegal conviction that can be reversed under MCA 47-20-703 (1) and have the petitioner discharged upon reversal under MCA 46-20-707. The specific wording in MCA 46-21-101 (1) definitely shows how postconviction is intertwined with habeas corpus: "a person adjudged guilty of an offense and who claims that a sentence was imposed in violation and the Constitution and laws of this state and the United States...or is otherwise subject to collateral attack upon any ground of alleged error available under habeas corpus...may petition the court that imposed the sentence to vacate, set aside or correct the sentence." The wording is not ambiguous, regarding habeas relief.

2255 2. The petitioner specifically noted that time is a critical factor concerning medical complaints that could be life threatening and require immediate attention, unless the court is waiting for the petitioner to die to prove the potentially fatal nature of his medical concerns. Habeas relief means "you may have the body," and Mr. Smith asks the court to return his body to him so that he can preserve its animated capacity before such is lost to conditions in prison. Documentation has been provided in several findings to conclude that there is no adequate help for his digestive and neurological symptoms in jail or prison and no adequate means exists to correct deficits therein. The language used in 28 U.S.C.S is also not ambiguous, time is a critical factor and, without an order to show cause as to why the court should not grant the writ, habeas corpus shall be awarded "forthwith." Giving the district court until next month (March) to respond to the writ of Mandamus "deemed" Supervisory Control is maligned with the purpose of the law and the needs to alleviate immense suffering of a medically deprived and innocent man.

The petitioner could possibly bring about an issue (for "habeas corpus relief") that does go to the illegal cause of his incarceration, given that his Miranda rights were not afforded at the initial arrest at 937, where he was originally taken into custody and it was not until several hours later that he was officially placed under arrest at Benefis Hospital. The petitioner cannot afford to make copies to show this Miranda violation and requests that counsel be assigned, especially since his petition also raises claims of ineffective assistance of counsel that are easily proven, given that the Sentence Review Division already found the original sentence "clearly excessive," and that counsel made false claims concerning the defendant's guilt/innocence during sentencing and brought up no mitigating factors. It can be found upon further review that counsel failed to collect exculpatory evidence that prosecution could have also found, which would have shown innocence of the accused. But for the petitioner's brain damage that resulted from being deprived medical care, he would have previously brought up this issue. Healing takes longer without medical help.

Cert. of Service on Reverse

2-18-25

exh. 02182025 object. OP250093

Alex Smith #3032443  
SO Cross.  
Shelby

IN MONTANA SUPREME COURT  
No. OP-25-0093

Alex Smith, v Eighth Judicial Dist. Court,  
Petitioner Hon. John W. Parker, Presiding,  
Respondent.

Petitioner moves the court to grant habeas corpus based on newly discovered information concerning the cause of his arrest, which involved officers taking the petitioner into custody at approximately 6:45 AM at the scene of the alleged crime ( 937 ), but his Miranda rights were not afforded until his arrest at Benefis Hospital at approximately 14:27. This amounts to an elapsed time of over 7 hours while the accused was detained before being read his rights. Petitioner also moves herein to submit Exhibit "MRND," which shows the arrest time and location as evidence of the Miranda violation. Access to the legal library is challenging at the facility where the petitioner is currently held, but the petitioner has documents that can show this violation of due process, necessitating habeas relief. Petitioner's memory has been severely disrupted by lack of proper medical care and was unable to assist in his own defense during pretrial and plea negotiations. This evidence further establishes ineffective assistance of counsel, as the counselors did not appear to be familiar with pertinent details that would have supported a motion to drop the charges or at least provide substantial support for going to trial. Counsel failed to order a MRI, order tests for certain toxins (there was reason to believe that the accused may have been exposed to mercury), collect other communication devices that held crucial information concerning the innocence of the accused. There is a real risk of permanently damaging the ability of the petitioner to prove innocence due to spoliation of evidence if any further delay is permitted. There already may be a permanent loss of pertinent data for use at trial.

Killsontop v Guyer U.S. Dist. Court, Dist. of MT, Missoula Division This court appointed counsel to a petitioner out of "an abundance of caution," citing mental health issues of petitioner as cause for appointment. Petitioner considers his situation as deserving of counsel being appointed per MCA 46-21-201(2) and respectfully requests that the court order that counsel be appointed to help the petitioner avoid further deprivation of rights.

The petitioner is grateful for the order by the Supreme Court for the district court to respond. His sense of urgency is derived of his immense suffering, (not verbatim to what I sent court).

Certificate of Service

I hereby certify that these documents, motion and exhibit "MRND," were sent via the prison mail system, to:

Montana Eighth Judicial Dist Court	Boland Arab Law Office
Deputy County Attorney	Montana Attorney General

Alex Smith Dated: 2-28-25 Alex Smith

Alex Smith Dated: 2-28-25 Alex Smith

exh. 02282025.OP250093

**Additional material  
from this filing is  
available in the  
Clerk's Office.**