

FILED

11/04/2025

Bowen Greenwood
CLERK OF THE SUPREME COURT
STATE OF MONTANA

Case Number: OP 25-0698

ORIGINAL

IN THE SUPREME COURT OF THE STATE OF MONTANA

OP 25-0698

DANIEL R. WOOD,

Petitioner,

v.

BRIAN GOOTKIN, Director,
Montana Department of
Corrections in his official capacity,

Respondent.

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Bowen Greenwood
Clerk of the Supreme Court
State of Montana

ORDER

Daniel R. Wood has filed a Petition for Declaratory Judgment and Writ of Prohibition and moves this Court to request waiver or modification of word count rule, pursuant to M. R. App. P. 29(1). Wood provides that his Petition is 5,529 words, which is over the maximum word count of 4,000 words for an original proceeding, such as this.

Wood seeks to review various policies and procedures under the Department of Corrections (DOC), governing a community supervised form of release, also known as a conditional release status. Wood provides that he was sentenced to two, concurrent DOC commitments and that he discharged the sentences in 2022.¹ He references a criminal case from the Yellowstone County District Court and the Lewis and Clark County District Court. He claims that he “was subjected to various DOC policies which are partially or wholly unlawful.” Wood states that he was recently subjected to these policies, that he is a full-time state resident, and that he “has standing on his own to bring forth this action.”

¹ This Court is familiar with Wood’s underlying criminal matters. See *Wood v. Gootkin*, No. OP 23-0681, Order directing a response and appointing counsel while holding Wood’s criminal cases in abeyance (Mont Nov. 28, 2023); *Wood v. Gootkin*, No. OP 23-0681, Order dismissing writ of habeas corpus as moot because Wood was not serving any sentence (Mont. Mar. 12, 2024); and *State v. Wood*, No. DA 24-0463, Order denying petition for out-of-time appeal (Mont. Nov. 12, 2024).

Appendix A

App. A-1

Wood states that conditional releases have been in existence since 2002 and provides the history. Wood requests that this Court “adjudge these allegations and define (if need be) the actual rights, status, and relations of both parties.” See § 27-8-202, MCA. Wood further states that he has a pending civil case in the Lewis and Clark County District Court. Citing to §§ 27-27-101, -102, and -103, MCA, Wood seeks a writ of prohibition to arrest the DOC’s actions, which affects some 1,500-plus offenders and their families, and rendering “the usual judicial process insufficient.”

“The Montana Constitution limits the judicial power of the courts to ‘justiciable controversies.’” *Meyer v. Jacobsen*, 2022 MT 93, ¶ 7, 408 Mont. 369, 510 P.3d 52 (quoting *Advocates for Sch. Tr. Lands v. State*, 2022 MT 46, ¶ 18, 408 Mont. 39, 505 P.3d 825 (citing *Greater Missoula Area Fed’n of Early Childhood Educators v. Child Start, Inc.*, 2009 MT 362, ¶ 22, 353 Mont. 201, 219 P.3d 881) (other citations omitted)). This Court has explained previously:

“Mootness is the doctrine of standing set in a time frame: The requisite personal interest that must exist at the commencement of the litigation (standing) must continue throughout its existence (mootness).” *Greater Missoula*, ¶ 23 (citation and quotation omitted). If the controversy presented at the outset of the litigation “has ceased to exist or is no longer ‘live,’” or if an intervening event or change in circumstances leaves the court unable “to grant effective relief or to restore the parties to their original positions, then the issue before the court is moot.” *Greater Missoula*, ¶ 23 (citations omitted).

Meyer, ¶ 8. Wood does not present a justiciable controversy, and this Court lacks jurisdiction. The controversy that Wood alleges concerning the DOC’s policies no longer exists because Wood discharged his sentences in 2022, and he is not currently under DOC’s supervision. Wood lacks standing to bring this proceeding to this Court.

This Court cannot invoke its original jurisdiction. Accordingly,

IT IS ORDERED that:

1. Wood’s Petition for Declaratory Judgment and Writ of Prohibition is DISMISSED;

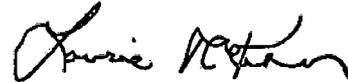
2. Wood's Motion Requesting Waiver or Modification of Word Count Rule is DENIED, as moot; and
3. this matter is CLOSED as of this Order's date.

The Clerk is directed to provide a copy of this Order to counsel of record and to Daniel R. Wood personally.

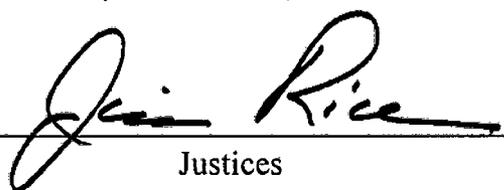
DATED this 4th day of November, 2025.











Justices