

**ORIGINAL**

IN THE SUPREME COURT OF THE STATE OF MONTANA

OP 25-0563

FILED

09/09/2025

Bowen Greenwood  
CLERK OF THE SUPREME COURT  
STATE OF MONTANA

Case Number: OP 25-0563

JEREMY PATRICK OPIE,

Petitioner,

v.

SHAWN WEAD, Warden,  
Saguaro Correctional Center;  
BRIAN GOOTKIN, Director,  
Montana Department of Corrections,

Respondents.

**FILED**

SEP 09 2025

Bowen Greenwood  
Clerk of Supreme Court  
State of Montana

ORDER

Jeremy Patrick Opie has filed a typewritten Petition for Writ of Habeas Corpus, asserting that “he is unlawfully imprisoned or restrained of his liberty pursuant to a facially invalid sentence[.]” Opie refers to a 2002 juvenile case and a 2006 criminal case from the Tenth Judicial District Court, Fergus County. Opie contends that the District Court had no authority to issue a Sentencing Order and Judgment due to the lack of “a current presentence investigation report and a psychosexual evaluation[.]”

This Court is familiar with Opie’s history. *See Opie v. Wead and Gootkin*, No. OP 25-0381, Order (Mont. Jun. 17, 2025) (*Opie I*). We provide some of the relevant history.

On May 3, 2002, the Fergus County Attorney petitioned the District Court for a youth hearing, pursuant to the Montana Youth Court Act. *See* §§ 41-5-1401 through 41-5-2510, MCA (2001). The Petition contained three felony sexual offenses, committed in April 2002. On July 29, 2002, the District Court issued a dispositional order concerning the first three counts, and the court committed Opie to the Department of Corrections (DOC) for placement in Pine Hills School for Boys, as named then, until he attained the age of 18 years. The court imposed other conditions such as completing sex offender treatment program and registering as a sex offender under Montana law.

On May 1, 2006, the Fergus County Attorney moved the District Court, pursuant to § 41-5-208, MCA, to transfer supervisory responsibility

APPENDIX A

to the District Court because Opie had not completed the sex offender treatment program and he would be reaching 18 years of age in mid-August of 2006. The District Court held a hearing on the motion on August 14, 2006, and the court held a dispositional hearing on September 8, 2006. The court's written Sentencing Order and Judgment committed Opie to the DOC until Opie turned 25 years of age. The court awarded 22 days of credit for time served. The court also ordered that Opie "shall be required to register as a sexual offender as required by statute."

*Opie I*, at 1-2 (footnote omitted). We also stated that "Opie is not presently serving the sentence that is the basis for his writ." *Opie I*, at 2. The same is true now; his collateral attacks are baseless. Opie has discharged this sentence, and his claims are now moot. *Opie I*, at 2.

Opie is not entitled to habeas corpus relief. Opie has not demonstrated illegal incarceration or illegal restraint. Section 46-22-101(1), MCA.

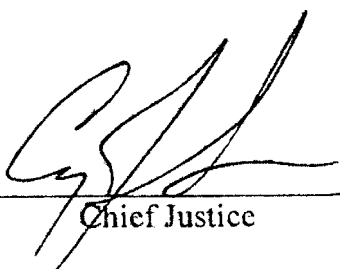
We caution Opie to refrain from filing petitions for extraordinary relief with this Court for any of his sentences. Since late May 2025, Opie has filed five petitions for habeas corpus relief. This Court has denied them all. See *Opie I*; *Opie v. Wead*, No. OP 25-0383, Order (Mont. Jun. 17, 2025) (*Opie II*); *Opie v. Wead*, No. OP 25-0523, consolidated with *Opie v. Wead*, No. OP 25-0525, Order (Mont. Aug. 19, 2025) (*Opie III and IV*); and *Opie v. Wead*, No. OP 25-0563, Order (Mont. Sept. 9, 2025). If Opie continues to seek habeas corpus relief with this Court, we will require a motion for leave to file prior to any submission of an original proceeding. Accordingly,

IT IS ORDERED that Opie's Petition for Writ of Habeas Corpus is DENIED and DISMISSED.

IT IS FURTHER ORDERED that 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 Jeremy Patrick Opie personally.

DATED this 9<sup>th</sup> day of September, 2025.

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

Katherine M. Bidegaray

Jon J. ...

... ..

... ..

Justices

Filed this 29<sup>th</sup> day  
of July 2002  
Phyllis D. Smith  
Clerk of District Court  
Phyllis D. Smith  
Deputy Clerk

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

---

MONTANA, TENTH JUDICIAL DISTRICT COURT, FERGUS COUNTY

---

IN THE MATTER OF \* Cause No. DJ-2002-15  
JEREMY PATRICK OPIE, \* DISPOSITIONAL ORDER  
A Youth. \*

---

THIS MATTER came before the Court on the 29<sup>th</sup>-day-of-July,-2002 for an adjudicatory and dispositional hearing. The youth was personally present with his court appointed attorney, Craig R. Buehler. The youth's parents were also present. The Petitioner was represented by Thomas P. Meissner, the Fergus County Attorney and by Mike Otto of the Youth Division.

The youth is charged in the Amended Petition for Youth Hearing with four counts. Count I charges Sexual Assault, a felony; Count II charges Attempted Sexual Assault, a felony; County III charges Sexual Assault, a felony; and Count IV charges Sexual Intercourse Without Consent, a felony. The youth advised the Court that he was ready to plead true to Counts I, II, and III.

The youth was advised of the constitutional and statutory rights which he is giving up by pleading true to such charges. The youth stated he understood and nonetheless wished to plead true to such offenses. The Court further inquired of the youth to determine whether or not he understood his actions clearly, and whether or not he was acting voluntarily and knowingly. The youth stated that the allegations of Counts I, II, and III were true. The youth took

APPENDIX B

1 the witness stand and testified briefly about the factual circumstances of the  
2 offenses. From the youth's testimony and representations, this Court found that  
3 he has voluntarily and knowingly changed his pleas to true to Counts I, II, and III.  
4 Such true pleas were entered.

5 The Petitioner advised the court that additional time was needed  
6 concerning Count IV, as the Petitioner stated that Count IV would be pursued.  
7 The Petitioner requested the court to set an Omnibus hearing for count IV. This  
8 matter shall come before the court for an Omnibus hearing on the 13th day of  
9 August, 2002, at the time of 9:00 o'clock a.m.

10 The parties then requested to Court to hold an immediate  
11 dispositional hearing on Counts I through III. All of the necessary information  
12 has been provided to the Court to allow the meaningful exercise of discretion in  
13 adjudging an appropriate disposition. This Court has received an evaluation  
14 report prepared by staff at Youth Services Center. Additionally, this Court has  
15 reviewed the psycho-sexual evaluation prepared by Karen Bauman and Marla  
16 North. Finally, this Court has received the pre-dispositional study from Ms.  
17 Singley. Since the Court and the parties have received such information, it was  
18 appropriate to conduct an immediate dispositional hearing. Mr. Otto of the Youth  
19 Division and recommended placement in Pine Hills School for Boys.

20 From the Court's review of the evidence, and from the  
21 recommendation made by the Youth Division, this Court finds that it is clearly  
22 appropriate to commit the youth to the Department of Corrections for placement  
23 in Pine Hills School for Boys. The youth is a delinquent youth, and a serious  
24 juvenile offender; having been convicted of three felony sexual offenses.

25 It is clear from the reports that the youth is a high risk to re-offend,  
26 and without treatment it is likely that others would be victimized. The evidence  
27 further makes it clear that the youth is in need of in-patient sex offender  
28 treatment, and that such treatment is available at Pine Hills School for Boys. The

1 placement at Pine Hills is in the best interests of the youth in terms of  
2 rehabilitation; and further such will protect members of the public. This court  
3 further finds that the Youth Division has made all reasonable efforts to prevent  
4 or eliminate the need for an out-of-home placement for the youth. However, due  
5 to the nature of the youth's offenses and his need for treatment, it was clearly not  
6 possible to maintain the youth in his home environment.

7           THEREFORE, IT IS THE JUDGMENT, ORDER, AND DISPOSITION  
8 OF THIS COURT AS FOLLOWS:

9           1. The youth shall be committed to the Department of Corrections for  
10 placement in Pine Hills School for Boys. This court adjudges and decrees that the  
11 youth is a delinquent youth who is a serious juvenile offender. The Court  
12 recommends to the Department that the youth not be released until he attains 18  
13 years of age.

14           2. While at Pine Hills School for Boys, the youth shall participate in  
15 and successfully complete the sex offender treatment program sponsored by such  
16 facility. Until age 18, the youth shall be required to register as a sex offender  
17 pursuant to Montana law. The youth shall be required to abide by all treatment  
18 recommendations of the treating professionals at Pine Hills, including any after  
19 care recommendation made by such staff or other professional involved in  
20 aftercare.

21           3. The youth may not associate with persons 2 years his junior,  
22 unless supervised by a responsible person who is approved by the treating  
23 professionals or by the youth's supervising officer.

24           4. The youth's parents shall complete a financial affidavit and submit  
25 the completed form to the juvenile financial specialist with the Montana  
26 Department of Corrections within fourteen (14) days from the date of this  
27 Judgment. The Montana Department of Corrections shall notify this court of the  
28 results of their calculations within thirty (30) days of receipt of the completed form

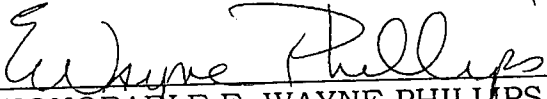
1 at which time the Court may order the parents to pay all or a portion of the costs  
2 of the care, commitment, and treatment of the youth.

3 5. The youth shall have no contact with the victims or family  
4 members, unless such is arranged through counselors and with the consent of the  
5 victims or family members.

6 6. The youth shall be required to register as a sexual offender  
7 through age 18, pursuant to Montana law.

8 The court was advised that the youth is in current and continuing  
9 need of services from an orthodontist. The Department of Corrections is hereby  
10 ordered to provide for such needs.

11 DATED this 29 day of July, 2002.

12  
13  
14   
15 HONORABLE E. WAYNE PHILLIPS  
16 District Judge

17 xc Thomas P. Meissner  
18 Youth Division  
19 Craig R. Buehler  
20  
21  
22  
23  
24  
25  
26  
27  
28

2006 SEP 13 PM 2 14

FILED  
DJ-02-15 BY *Phyllis D. Smith*  
DEPUTY  
Filed this 13<sup>th</sup> day  
of Sept 2006  
Phyllis D. Smith  
Clerk of District Court  
*Phyllis D. Smith*  
Deputy Clerk

MONTANA, TENTH JUDICIAL DISTRICT COURT, FERGUS COUNTY

STATE OF MONTANA,

Cause No. DC-2006-55

Plaintiff,

SENTENCING ORDER

-v-

AND JUDGMENT

JEREMY PATRICK OPIE,

Defendant.

THIS MATTER came before the Court on the 8<sup>th</sup> day of September, 2006, for a sentencing hearing. The defendant was personally present with his court appointed attorney, Craig R. Buehler. The State was represented by Thomas P. Meissner, the Fergus County Attorney and by Mr. Jim Simonich of the Department of Corrections.

This matter was initially transferred from the Youth Court pursuant to the provisions of Section 41-5-208, Montana Code Annotated. Subsection (5) of this statute was applicable to the hearing. This subsection provides that if at the time of transfer to adult court, if a youth is incarcerated in a youth correctional facility, after reaching 18 years of age the youth may be placed in an adult correctional facility, boot camp, pre-release center, or be placed on

1 community supervision.

2           The parties called witnesses and offered argument. The State  
3 recommended that the defendant be committed to the Department of Corrections  
4 until he reaches the age of 25, with all but the first five years suspended. The  
5 record is clear that the defendant failed to complete the sexual offender treatment  
6 program at Pine Hills Youth Correctional Facility, and that he remains a high risk  
7 to re-offend. The defendant turned 18 years of age on August 16, 2006. Once the  
8 youth turned 18, he could not continue to be placed at Pine Hills.

9           The Court must consider community protection in making this  
10 judgment. The Court is hopeful that the Department of Corrections can find a  
11 suitable in-patient treatment facility where the defendant can receive treatment.

12           IT IS HEREBY THE SENTENCE AND JUDGMENT OF THIS COURT AS  
13 FOLLOWS:

14           1. The defendant, for his sexual offenses, which are two Counts of  
15 Sexual Assault, and one Count of Attempted Sexual Assault, all felonies, is  
16 sentenced to the Department of Corrections for a period of time until he turns 25  
17 years of age, for placement in an appropriate correctional facility or program. The  
18 Court strongly recommends that the defendant not be placed in prison, but in  
19 some in-patient sex offender treatment facility designed to treat young sexual  
20 offenders.

21           Attached to this Sentencing Order and Judgment are exhibits that  
22 were introduced at trial and which describe a treatment program in the State of  
23 Utah called Benchmark Behavioral Health Systems. This is the kind of facility the  
24 Court recommends the defendant be placed.

25           All but the first five years of this sentence is suspended. Against this  
26 sentence, the defendant will receive credit for 22 days of incarceration since he  
27 turned 18 years of age.

28           2. The defendant, during the term of this sentence shall continually

1 attend and comply with his sex offender treating professionals, and he shall follow  
2 all of their treatment recommendations.

3           3. During the period of this sentence, and during the suspended  
4 portion of this sentence the defendant shall abide by the following standard  
5 conditions of probation.

6           a. The defendant shall not own, possess, or be in control of any  
7 firearms or deadly weapons, including black powder, as defined by  
8 state or federal law. The defendant shall not possess chemical agents  
9 such as O.C. spray.

10           b. Upon reasonable suspicion, as ascertained by the Probation &  
11 Parole Officer, the defendant's person, vehicle, and/or residence may  
12 be searched at any time, day or night, without a warrant by a  
13 Probation & Parole Officer, ISP Officer or a Law Enforcement Officer  
14 (at the direction of the Probation & Parole/ISP Officer). The  
15 defendant may also be searched at his place of employment. Any  
16 illegal property or contraband shall be seized and may be destroyed.

17           c. The defendant shall not possess or use illegal drugs or any drugs  
18 unless prescribed by a licensed physician. The defendant shall not  
19 be in control of or under the influence of illegal drugs, nor shall he  
20 have in his possession any drug paraphernalia. The defendant shall  
21 submit to random drug testing as requested by his supervising  
22 officer.

23           d. The defendant shall not possess or consume intoxicants or  
24 alcohol, nor shall he enter any place where intoxicants are the chief  
25 item of sale. He shall submit to breathalyzer testing or bodily fluid  
26 testing for drugs or alcohol as requested by his Probation & Parole  
27 Officer.

28           e. The defendant shall not possess or use any electronic device or  
scanner capable of listening to law enforcement communications.

          f. The defendant shall not associate with probationers, parolees,  
prison inmates, or persons in the custody of any law enforcement  
agency without prior approval from his Probation & Parole Officer.  
The defendant shall not associate with persons as ordered by the  
Court or Bureau of Probation and Parole.

1 g. The defendant shall comply with all city, county, state, federal  
2 laws ordinances, and conduct himself as a good citizen. The  
3 defendant shall report any arrests or contacts with law enforcement  
4 to his Probation/ Parole Officer within 72 hours. The defendant shall  
5 at all times be cooperative and truthful in all his communications and  
6 dealings with his Probation/Parole Officer.

7 h. The defendant shall not enter any casinos or play any games of  
8 chance.

9 i. The defendant shall submit to DNA testing as required by Title 44,  
10 Chapter 6, Part 1, M.C.A.

11 j. The defendant shall obtain permission for his supervising officer  
12 before financing or purchasing a vehicle, property, or engaging in  
13 business. The defendant shall not go into debt without his  
14 supervising officer's permission. Restitution, child support, fines,  
15 and fees will be the defendant's priority financial obligations.

16 k. The defendant shall seek and maintain employment or enter a  
17 program approved by the BOPP or his supervising officer. The  
18 defendant must obtain permission from his supervision officer prior  
19 to any change in employment. The defendant shall inform his  
20 employer of his status on probation or parole. The defendant shall  
21 not work as a truck driver without the permission of his probation  
22 officer.

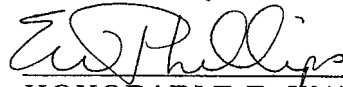
23 l. The defendant shall not change his place of residence without first  
24 obtaining permission from his Probation/Parole Officer. The  
25 defendant's residence must be approved by his Probation/Parole  
26 Officer. The defendant shall make the home open and available for  
27 the Probation/Parole Officer to visit as required per policy. The  
28 defendant shall not own dangerous/vicious animals such as guard  
dogs, use perimeter security doors, or refuse to open the door of the  
residence when requested.

4. The Court will not require the payment of any of the surcharge fees  
as it is clear that the defendant does not have the ability to pay these fees.

5. The defendant shall be required to register as a sexual offender as  
required by statute.

1           6. The defendant shall have no contact with the victims of his  
2 offenses, directly or indirectly.

3           DATED this 13 day of September, 2006.

4  
5  
6           

7           HONORABLE E. WAYNE PHILLIPS  
8           District Judge

9 xc       Thomas P. Meissner  
10         Youth Probation  
11         Craig R. Buehler  
12         Jim Simonich

13  
14  
15 NOTICE:

16         If a written judgment and an oral pronouncement of sentence or other  
17 disposition conflict, the defendant or the prosecutor in the county in which the  
18 sentence was imposed may, within 120 days after filing of the written judgment,  
19 request that the court modify the written judgment to conform to the oral  
20 pronouncement at a hearing, and the defendant must be present at the hearing  
21 unless the defendant waives the right to be present or elects to proceed pursuant  
22 to Section 46-18-115, MCA. The defendant and the prosecutor waive the right to  
23 request modification of the written judgment if a request for modification of the  
24 written judgment is not filed within 120 days after the filing of the written  
25 judgment in the sentencing order.  
26  
27  
28