

DA 19-0217

IN THE SUPREME COURT OF THE STATE OF MONTANA

2019 MT 247N

JARED HENDRICKSON,

Plaintiff and Appellant,

v.

STEVEN ESCHENBACHER,

Defendant and Appellee.

APPEAL FROM: District Court of the Twentieth Judicial District,
In and For the County of Lake, Cause No. DV-19-04
Honorable Deborah Kim Christopher, Presiding Judge

COUNSEL OF RECORD:

For Appellant:

Jared Hendrickson, Self-Represented, Arlee, Montana


For Appellee:

Walter E. Congdon, Civil Deputy Lake County Attorney,
Polson, Montana

Submitted on Briefs: September 18, 2019

Decided: October 15, 2019

Filed:


Clerk

Chief Justice Mike McGrath delivered the Opinion of the Court.

¶1 Pursuant to Section I, Paragraph 3(c), Montana Supreme Court Internal Operating Rules, this case is decided by memorandum opinion and shall not be cited and does not serve as precedent. Its case title, cause number, and disposition shall be included in this Court's quarterly list of noncitable cases published in the Pacific Reporter and Montana Reports.

¶2 Pro se Appellant Jared Hendrickson ("Hendrickson") appeals from an order of the Twentieth Judicial District Court, Lake County. He contends that his State criminal convictions for felony offenses committed within the boundaries of the Flathead Indian Reservation are not subject to State jurisdiction because the application of Public Law 83-280, 18 U.S.C. § 1162, 25 U.S.C. § 1321 ("PL-280") has never been properly enabled by Montana statute or consented to by the Confederated Salish and Kootenai Tribes ("CSKT"). Hendrickson also argues that PL-280 and subsequent Montana enabling statutes violate the 1855 Hellgate Treaty, 12 Stat. 975. The District Court dismissed his complaint. We affirm.

¶3 On January 7, 2019, Hendrickson filed a pro se habeas corpus petition requesting the District Court dismiss all felony criminal charges against him, dating back to a May 10, 2013 judgment. He alleges that the State had no jurisdiction over him as an enrolled member of the CSKT who committed a felony crime within the boundaries of the Flathead Indian Reservation. On January 16, 2019, Appellee Steven Eschenbacher ("Eschenbacher"), the Lake County Attorney, filed a motion to dismiss the charges

claiming Hendrickson failed to state a claim pursuant to M. R. Civ. P. 12(b)(6) and raising a res judicata issue. The District Court converted Hendrickson's habeas corpus petition to a petition for postconviction relief and, on March 8, 2019, issued an order denying Hendrickson's petition on the basis that it was procedurally barred by the post-conviction statute, § 46-21-105(2), MCA, and, regardless, Hendrickson's argument failed on the merits. On April 8, 2019, Hendrickson filed this appeal.

¶4 At the outset, we note that Hendrickson's habeas corpus petition was not a petition for postconviction relief. Unlike post-conviction relief, governed by §§ 46-21-101 through -203, MCA, the writ of habeas corpus is a vehicle for challenging the legality of imprisonment or restraint, such as a challenge to a court's jurisdiction over a matter. Section 46-22-101, MCA; *State v. Dist. Ct.*, 35 Mont. 321, 324, 89 P. 63, 65 (1907); *In re Shaffer*, 70 Mont. 609, 613-14, 227 P. 37, 38 (1924); *see also Lott v. State*, 2006 MT 279, ¶ 22, 334 Mont. 270, 150 P.3d 337 (holding that a writ of habeas corpus is the proper vehicle to challenge a facially invalid sentence); *In re Harris*, 5 Cal. 4th 813, 838-39 (1993) (holding habeas corpus is available in cases where the court has acted in excess of its jurisdiction). Hendrickson is challenging the District Court's authority to impose a sentence on him due to a lack of jurisdiction. However, we will affirm the district court when it reaches the right result, even if it reaches the right result for the wrong reason. *State v. Ellison*, 2012 MT 50, ¶ 8, 364 Mont. 276, 272 P.3d 646.

¶5 The District Court correctly dismissed Hendrickson's petition for a writ of habeas corpus. The exact issue that Hendrickson raises was recently addressed in *Lozeau v. Anciaux*, 2019 MT 235, 397 Mont. 312, ___ P.3d ___, which held that the CSKT has

consented to concurrent jurisdiction over felony criminal matters with the State through the application of PL-280 and neither PL-280 or Montana's enabling statutes violate the 1855 Hellgate Treaty. *State ex rel. McDonald v. Dist. Ct.*, 159 Mont. 156, 496 P.2d 78 (1972); *State v. Spotted Blanket*, 1998 MT 59, 288 Mont. 126, 955 P.2d 1347.

¶6 We have determined to decide this case pursuant to Section I, Paragraph 3(c) of our Internal Operating Rules, which provides for memorandum opinions. This appeal presents no constitutional issues, no issues of first impression, and does not establish new precedent or modify existing precedent.

¶7 Affirmed.

/S/ MIKE McGRATH

We Concur:

/S/ LAURIE McKINNON
/S/ JAMES JEREMIAH SHEA
/S/ DIRK M. SANDEFUR
/S/ JIM RICE
/S/ INGRID GUSTAFSON