

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

JOSEPH RAYMOND HANAS,

Petitioner,

vs.

Case No.

**GENESEE COUNTY ADULT
PROBATION DEPARTMENT,**

Hon.

Respondent.

_____ /

PETITION FOR WRIT OF HABEAS CORPUS

NOW COMES Petitioner Joseph Raymond Hanas, through his undersigned attorneys, and for his Petition for a Writ of Habeas Corpus states:

1. Petitioner Joseph Raymond Hanas is a citizen of the United States and is a resident of Genesee County, Michigan, and currently is in the custody of the Genesee County Adult Probation Department under a sentence of probation that will continue until March 13, 2007.
2. Petitioner Hanas currently is serving a sentence of probation imposed by the Genesee County Circuit Court on March 13, 2003, after the Petitioner pleaded guilty to possession of marijuana with intent to distribute, and after Petitioner protested that the residential rehabilitation program to which he was assigned under the Genesee County Drug Court program was violating his constitutional right to practice the religious faith of his choice and after he requested assignment to a secular rehabilitation program.

3. As set forth in the accompanying Memorandum of Law in support of this Petition, Joseph Hanas is under the custody of Respondent Genesee County Adult Probation Department as a result of a sentence of imprisonment and probation that was imposed in violation of the Free Exercise Clause and Establishment Clause of the First Amendment.
4. Petitioner has exhausted all available state remedies with regard to the First Amendment Free Exercise and Establishment Clause issues raised in this Petition, by seeking review in the Michigan Court of Appeals of the trial court's initial judgment of conviction and sentencing and of the order denying him reinstatement in the Drug Court program, which the Court of Appeals denied on May 26, 2004 (Exhibit F, attached to accompanying Memorandum In Support), and further by seeking review in the Michigan Supreme Court, which was denied on January 27, 2005 (Exhibit G, attached to accompanying Memorandum In Support). The U.S. Supreme Court denied Hanas' Petition for Writ of Certiorari on June 20, 2005.
5. Petitioner Hanas has not previously filed a Petition for Writ of Habeas Corpus in this or any other federal court.

WHEREFORE, Petitioner Joseph Hanas requests:

- A. That Respondent be required to appear and answer the allegations of this Petition;
- B. That the court grant this Petition and order that Petitioner Joseph Hanas be promptly released from custody;

C. That the court grant such other and further relief as it may deem just;
and

D. That the court grant oral argument in this matter.

Respectfully submitted,

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Dated:

I declare under penalty of perjury that the foregoing is true and correct.

JOSEPH RAYMOND HANAS
Executed on _____, 2005.

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