

ORIGINAL

FILED

02/03/2019

Bowen Greenwood
CLERK OF THE SUPREME COURT
STATE OF MONTANA

Form 4(6) Case Number: DA 19-0053

Glen Madsen
Name

700 Conley Lake Road

Deer Lodge Mt. 59722
City State Zip

3017208
~~[e-mail address]~~ NO

Self
[Designation of party]

IN THE SUPREME COURT OF THE STATE OF MONTANA

No. DA 19-0053

[to be assigned by Clerk of Supreme Court]

Glen Madsen

Appellant,

v.

State of Montana

Appellee.

PETITION FOR
AN OUT-OF-TIME
APPEAL

[To ask the Court to allow you to file an out-of-time appeal, give the reasons why the appeal was not timely filed. State in the petition or supporting affidavit the issues you wish to raise on appeal and explain in detail the reasons that you did not file a timely appeal. Give only true and accurate explanations that support your petition. ~~Include a copy of the final order or judgment from which you wish to appeal. M.R. App.P. 4(6).~~]

I petition the Court to allow me to file an out-of-time appeal for the following reason: [Check one]

I improperly filed a timely Notice of Appeal only with the District Court, as more fully explained below.



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FILED

JAN 23 2019

Bowen Greenwood
Clerk of Supreme Court
State of Montana

OUT-OF-TIME APPEAL

PAGE 1 OF 4

I discussed filing a timely appeal with my attorney, but he or she failed to file it for me, as more fully explained below.

I failed to file the Notice of Appeal for the following reason:

Despite multiple request, via phone, and letters, to multiple agents of the public defender's office, the above-named Appellant's request for timely filing of a direct appeal with this Court have gone unanswered.

Therefore, since this Appellant could not, and cannot rely on his appointed counsel, or the office he represents, this Appellant PRAYS this Court for the below cited reasons will GRANT this Appellant an Out-of-Time Appeal, for Cause No. IDL2015-12, out of the 16th Judicial District Court, Custer County.

Attached as Exhibit "A," a copy of the judgment or order from which I wish to appeal.

As legal authority for filing an out-of-time appeal, I cite the following which supports this petition:

Failure of Counsel to Preserve Defendant's Request for Appeal Per Se - Out-of-Time Appeal appropriate remedy.

St. v. Tweed, 2002 MT 286, 312 M 482, 59 P3d 1105 (2002)

following

St. v. Rogers, 2001 MT 165, 306 M 130, 32 P3d 724 (2001)

DATED this 15 day of December, 2018.



Glen Madsen
[Signature]

Glen Madsen
[Print name]

VERIFICATION UPON OATH OR AFFIRMATION

STATE OF MONTANA)

: ss.

County of Powell)

I swear that everything stated in this petition is true and correct to the best of my knowledge.

DATED this 15 day of December, 2018.

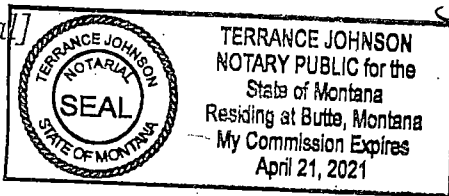
Glen Madsen
[Signature]

Glen Madsen
[Print name]

Signed and sworn to or affirmed before me on this date by

12/17/18

[Seal]



Terrance Johnson
[Signature of Notary Public]

TERRANCE JOHNSON
[Typed or printed name]

SECURITY TECH
[Title]

BUTTE MONTANA
[Residing at]

My Commission expires: APRIL 21, 2021



CERTIFICATE OF SERVICE

I certify that I have filed a copy of this **Petition for an Out-of-Time Appeal** with the Clerk of the Montana Supreme Court and that I have mailed or hand delivered a copy to each attorney of record and any party not represented by counsel as follows:

Office of the Attorney General
[Name of opposing counsel]

P.O. Box 201401 Helena, MT. 59620-1401
[Address]

Counsel for State of Montana

~~[Other party representing himself or herself]~~

~~[Address]~~

DATED this 15 day of December, 2018.

Glen Madsen
[Name]

Glen Madsen
[Print name]

