

IN THE SUPREME COURT OF THE STATE OF MONTANA

No.

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STATE OF MONTANA,

Plaintiff and Appellee,

v.

JASON DEAN KELLEY,

Defendant and Appellant.

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**NOTICE OF APPEAL**

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Notice is hereby given that Jason Dean Kelley, the Appellant above-named and who is the Defendant in the cause of action filed in the First Judicial District, in and for the County of Lewis And Clark, as Cause No. BDC-20-422, hereby appeals to the Supreme Court of the State of Montana from the final judgment or order entered in such action on the 14<sup>th</sup> day of September.

**THE APPELLANT FURTHER CERTIFIES:**

1. That this appeal is not subject to the mediation process required by Mont. R. App. P. 7.

2. That this appeal is not an appeal from an order certified as final under Mont. R. Civ. P. 54(b). If this is such an appeal, a true copy of the District Court's certification order is attached hereto as Exhibit "A."

3. That the notice required by Mont. R. App. P. 27 will be given, within 11 days of the date hereof, to the Supreme Court and to the Montana Attorney General with respect to a challenge to the constitutionality of any act of the Montana Legislature if applicable to this appeal.

4. That all relevant transcripts of the proceedings in this cause have been ordered from the court reporter contemporaneously with the filing of this notice of appeal. If all available transcripts have not been ordered, that Appellant has complied with the provisions of Mont. R. App. P. 8(3) contemporaneously with the filing of this notice of appeal.

Respectfully submitted this 9<sup>th</sup> day of November, 2021.

OFFICE OF STATE PUBLIC DEFENDER  
APPELLATE DEFENDER DIVISION  
P.O. Box 200147  
Helena, MT 59620-0147  
By: /s/ Chad Wright  
CHAD WRIGHT  
Appellate Defender

## **CERTIFICATE OF SERVICE**

I, Chad M. Wright, hereby certify that I have served true and accurate copies of the foregoing Notice - Notice of Appeal to the following on 11-09-2021:

Leo John Gallagher (Govt Attorney)  
Lewis & Clark County Attorney Office  
Courthouse - 228 E. Broadway  
Helena MT 59601  
Representing: State of Montana  
Service Method: eService

Austin Miles Knudsen (Govt Attorney)  
215 N. Sanders  
Helena MT 59620  
Representing: State of Montana  
Service Method: eService

Angie Sparks (Clerk of District Court)  
Clerk of District Court  
228 Broadway  
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Electronically signed by Pamela S. Rossi on behalf of Chad M. Wright  
Dated: 11-09-2021