

11/14/2022

Bowen Greenwood
CLERK OF THE SUPREME COURT
STATE OF MONTANA

Form 4(6)
Case Number: CA 22-0641

Name Gilbert Campa

Deer Lodge, Montana - 59722-
City N.A. State Montana Zip 59722-

[e-mail address]

Appellant
[Designation of party]

FILED

NOV 14 2022

Bowen Greenwood
Clerk of Supreme Court
State of Montana

IN THE SUPREME COURT OF THE STATE OF MONTANA

No. _____

[to be assigned by Clerk of Supreme Court]

GILBERT CAMPA

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.



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:

I did not mark any of the square boxes for the following reasons below.

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:

I filed my Notice of Appeal to your Supreme Court before 60 days after I was sentenced on August 31st 2022. It then was returned back to me in order for me to re-submit it with the right Certificate of Service. As I sent my Notice of Appeal on September 27th 2022, with the Montana State Prison Signing and Stamping it (over)

DATED this 9th day of November, 2022.



with that same date on the back of both envelopes. I am even enclosing the letter dated October 3rd 2022, informing me to re-submit it which does verify that I did file my Notice of Appeal within the 60 day time limit from the day of my sentencing / Entry of Judgment on August 3rd 2022. As the letter from your Court on October 3rd does state specifically, at the very top, that, "Your office received my document entitled "Notice of Appeal" and that it was being returned to me, which therefore, does show that I sent it in before October 3rd which your last letter I received dated November 3rd 2022, stated that was when that I had to have it in by or before, that date, of, October 3rd 2022. My Notice of Appeal that I sent to your Court on September 27th was also returned back to me because in your letter dated October 3rd it was informing me that I needed to also send a copy to the County Attorney and to the Attorney General and once I did, to fill out the enclosed form that I was sent, stating that I have done so and then return that form back to your court with my document, which I did exactly all of what I was being informed to do by your Court.

After re-submitting my Notice of Appeal to your Supreme Court, I did the pages over that had the date of, September 27th 2022, in order to put October 26th 2022. As being that I was informed by your Court to re-submit my Appeal, I put the date of when I sent everything back out again.

Gilbert Campa
[Signature]

Gilbert Campa
[Print name]

VERIFICATION UPON OATH OR AFFIRMATION

STATE OF MONTANA)

County of Powell) SS.

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

DATED this 9 day of November, 2022.

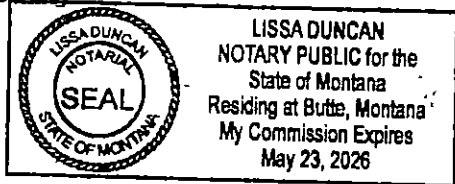
Lissa Duncan Gilbert Campa
[Signature]

Lissa Duncan Gilbert Campa
[Print name]

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

Gilbert Campa

[Seal]



Lissa Duncan
[Signature of Notary Public]

Lissa Duncan
[Typed or printed name]

Case Manager
[Title]

Butte, Montana
[Residing at]

My Commission expires: 5/23/2026



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:

Prosecuting District Attorney,
[Name of opposing counsel]

Ingrid Rosenquist

217 North 27th Street, Billings, MT. -59101-
[Address]

Counsel for State of Montana

Gilbert Campa
[Other party representing himself or herself]

700 Conley Lake Rd. Deer Lodge, MT. -59722.
[Address]

DATED this 9th day of November, 2022.

Gilbert Campa
[Name]
Gilbert Campa
[Print name]

