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## IN THE SUPREME COURT OF THE STATE OF MONTANA

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STATE OF MONTANA,  
*Plaintiff and Appellee,*

vs.

JOHN RAYMOND WELZEL,  
*Defendant and Appellant.*

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## NOTICE OF APPEAL

Notice is hereby given that John Raymond Welzel, the Appellant above named and who is the Defendant in the cause of action filed in the Eleventh Judicial District, in and for the County of Flathead, as Cause No. DC-15-2022-427D, hereby appeals to the Supreme Court of the State of Montana from the final judgment or order entered in such action on the 20<sup>th</sup> day of June, 2023.

**THE APPELLANT FURTHER CERTIFIES:**

1. That this appeal is not subject to the mediation process required by M. R. App. P. 7.
2. That this appeal is not an appeal from an order certified as final under M.

- 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 all available 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 M. R. App. P. 8(3) contemporaneously with the filing of this notice of appeal.
  4. That included herewith is the filing fee prescribed by statute, or the affidavit to proceed without payment of the required filing fee prescribed in the Appendix of Forms as Form 3.

DATED this 16<sup>th</sup> day of August, 2023.

HINCHEY & HINCHEY, P.C.

By: /s/Sean D. Hinchey  
Sean D. Hinchey  
*Attorney for Defendant and Appellant*

## **CERTIFICATE OF SERVICE**

I, Sean D. Hinchey, hereby certify that I have served true and accurate copies of the foregoing Notice - Notice of Appeal to the following on 08-17-2023:

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

Peg L Allison (Clerk of District Court)  
920 S Main, Ste 300  
Kalispell MT 59901  
Service Method: eService  
E-mail Address: pallison@flathead.mt.gov

Nancy Skurvid (Court Reporter)  
Flathead County Justice Center  
920 South Main  
District Court  
Kalispell MT 59901  
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John Horan Donovan (Govt Attorney)  
820 South Main Street  
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Electronically signed by Angela Ream on behalf of Sean D. Hinchey  
Dated: 08-17-2023