

FILED

02/24/2025

Bowen Greenwood  
CLERK OF THE SUPREME COURT  
STATE OF MONTANA  
Form 4(6)  
Case Number: DA 25-0159

ORIGINAL

Name LARRY ALAN JOHNSON 3037379

SAGUARO CORRECTIONAL Center

1252 E. ARICA RD.

Eloy AZ 85131

City State Zip

[e-mail address]

Petitioner / APPELLANT

[Designation of party]

FILED

FEB 24 2025

Bowen Greenwood  
Clerk of Supreme Court  
State of Montana

IN THE SUPREME COURT OF THE STATE OF MONTANA

No. DA 25-0159

[to be assigned by Clerk of Supreme Court]

LARRY ALAN JOHNSON,

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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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.

11-4-24

☒ I failed to file the Notice of Appeal for the following reason: (2)

(1) MAILED A Request to CLERK OF Supreme CRT. (Bowen Greenwood) for APPEAL FORMS. 11-8-24 Received APPEAL FORMS FROM CLERK GREENWOOD (2) 11-18-24 MAILED FORMS BACK TO GREENWOOD (3) 11-22-24 CLERK GREENWOOD MAILED FORMS BACK TO ME AS INCOMPLETE AND FILL IN THE SPACES (4) I DID NOT RECEIVE THE PHYSICAL MAILED FORMS CLERK GREENWOOD Re-sent to me, BECAUSE MSP FORWARDED THEM TO PHOENIX, MD. P.O. BOX 247-90 MSP WHERE THEY WERE SCANNED AND I RECEIVED VIA TABLET APP. ON 12-16-24 12-20-24 I MAILED LETTER TO CLERK GREENWOOD I DID NOT RECEIVE PHYSICAL COPIES BACK FROM HIM, DUE TO THE FACT THAT MSP HAD FORWARDED HIS LETTER AND FORMS TO PHOENIX, MD. AND I GOT THE LETTER AND FORMS AS SCANNED MAIL (7) 1/2/25 RECEIVED NEW APPEAL FORMS FROM CLERK GREENWOOD. (8) 1/5/25 MAILED COURT APPEAL FORMS BACK TO CLERK GREENWOOD COMPLETED/CORRECT BUT HE DID NOT RECEIVE THE COMPLETED FORMS UNTIL 1-13-25. (9) I QUESTION WHY THOSE FORMS WERE NOT IMMEDIATELY MAILED BACK TO CLERK GREENWOOD ASAP. AS I HAD AN OFFICER TAKE THE FORMS AND WERE TO BE STAMPED AS LEGAL MAIL ON 1-5-25. CLERK GREENWOOD DID NOT RECEIVE THE FORMS UNTIL 1-13-25. (10) ON 1-8-25 I WAS SENT TO SAGUARO CORRECTIONAL CENTER, 1252 E. ARICA RD., ELOY, ARIZONA 85131

(11) I DID NOT RECEIVE THE COMPLETED APPEAL FORMS ALONG WITH THIS PETITION FOR AN OUT-OF-TIME APPEAL UNTIL 2-3-25 (12) I DID NOT RECEIVE MY PROPERTY AND NOTES OF DATES AND ADDRESSES BOOK UNTIL 2-7-25, SO I COULD PROPERLY HAVE THE DATES OF THE FORMS WHEN RECEIVED AND WHY IT TOOK SO LONG TO RESPOND TO THIS APPEAL. (FROM MSP) ☒ ATTACHED AS EXHIBIT "A," A COPY OF THE JUDGMENT OR ORDER FROM WHICH I WISH TO APPEAL. NOTE: I COULD NOT GET COPIES MADE AT THE LIBRARY UNTIL FEB 14, 2025 EARLIEST TIME FOR NOTARY WAS FEB 17, 2025

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

supports this petition: ~~I HAD~~ I HAD

I sent a Request to my ATTORNEY which I had still Retained, to Respond and send all AND ANY information needed, to CLERK GREENWOOD TO ASSIST ME IN MY APPEAL TO THE MT. Supreme CRT. SHE NEGLECTED TO RESPOND OR ASSIST ME IN THE APPEAL. I HAVE GOT TO SEE, HEAR, OR RECEIVE ANYTHING FROM HER SINCE MY SENTENCING ON 9-25-24. SHE INFORMED ME AT THAT TIME, THAT SHE WOULD COME SEE ME AND KEEP IN CONTACT WITH ME, WHICH SHE FAILED TO DO. NOR DID SHE ADVISE ME OR INFORM ME THAT I HAD THE RIGHT TO APPEAL. NOR DID JUDGE MARKS. I DO NOT BELIEVE THAT I AM AT FAULT FOR A LATE APPEAL. CLERK GREENWOOD DID ALL HE COULD TO ASSIST ME AND I SINCERELY APPRECIATE HIS HELP.

DATED this 17 day of February, 20 25.





[Signature]

LARRY JOHNSON  
[Print name]

VERIFICATION UPON OATH OR AFFIRMATION

STATE OF MONTANA )  
: SS.  
County of Missoula )

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

DATED this 17 day of Feb, 2025.

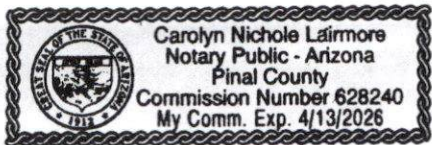
[Signature]

LARRY JOHNSON  
[Print name]

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

Larry Johnson.

[Seal]



Carolyn Nichole Lairmore  
[Signature of Notary Public]

Carolyn Nichole Lairmore  
[Typed or printed name]

Mrs.  
[Title]

1252 E. Arica Rd. Eloy AZ 8531  
[Residing at]

My Commission expires: 0413-2026.



## CERTIFICATE OF SERVICE

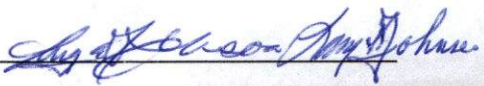
I certify that I have filed a copy of this **Petition for an Out-of-Time Appeal** with the Clerk of the Montana Supreme Court and that I have mailed or hand delivered a copy to each attorney of record and any party not represented by counsel as follows:

MARK Handelman  
[Name of opposing counsel]  
Deputy Co. Attorney of Missoula CO.  
200 W. Broadway  
Missoula, MT. 59802  
[Address]

Counsel for LARRY JOHNSON

ALYSSA AKLESTAD  
406-460-0739  
[Other party representing himself or herself]  
6655 W. SAHARA STE. 0220  
LAS VEGAS, NV. 89146  
[Address]

DATED this 17 day of Feb, 2025.

  
[Name]  
LARRY JOHNSON  
[Print name]

