

ORIGINAL

FILED

04/29/2025

Bowen Greenwood
CLERK OF THE SUPREME COURT
STATE OF MONTANA

Case Number: DA 25-0290

IN THE SUPREME COURT OF THE STATE OF MONTANA

DA 25-0290

FILED

APR 29 2025

Bowen Greenwood
Clerk of Supreme Court
State of Montana

STATE OF MONTANA,

Plaintiff and Appellee,

v.

ORDER

SERGIO ARTURO VALDEZ-SALAS,

Defendant and Appellant.

Self-represented Petitioner Sergio Arturo Valdez-Salas has filed a verified Petition for an Out-of-Time Appeal, indicating that he discussed filing a timely appeal with his attorney, but that his attorney failed to file it. He states that he would like to reduce his sentence to a misdemeanor. He includes a copy of the Judgment and a Motion for Appointment of Counsel.

On June 14, 2024, the Thirteenth Judicial District Court, Yellowstone County, committed Valdez-Salas for felony criminal endangerment to the Department of Corrections for a five-year, suspended term (DC 22-0601) to run consecutively to a prior sentence. Through counsel, Valdez-Salas has an appeal pending for his other sentence. *State v. S. Valdez Salas*, No. DA 24-0757, Notice of Appeal filed Feb. 11, 2025, for Cause No. DC 22-0497.

M. R. App. P. 4(6) allows this Court to grant an out-of-time appeal “[i]n the infrequent harsh case and under extraordinary circumstances amounting to a gross miscarriage of justice[.]”

We conclude that Valdez-Salas has demonstrated extraordinary circumstances, entitling him to an appeal. He has a recent conviction and sentence. Valdes-Salas is likely entitled to appointment of counsel. Section 46-8-104, MCA. Therefore,

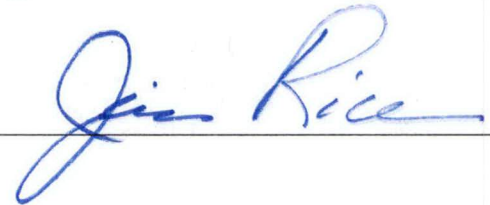
IT IS ORDERED that Valdez-Salas's Petition for an Out-of-Time Appeal is GRANTED.

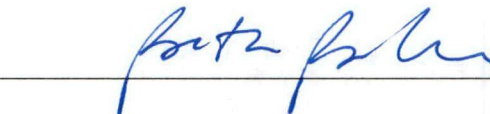
IT IS FURTHER ORDERED that Valdez-Salas's Motion for Appointment of Counsel is GRANTED. The Appellate Defender Division shall have thirty days from the date of this Order within which either to file a Notice of Appeal or a Motion to Rescind this Order Appointing Counsel. When Valdez-Salas qualifies for appointed counsel, the Appellate Defender Division shall immediately order the appropriate transcripts.

The Clerk of the Supreme Court is directed to provide a copy of this Order to: the Appellate Defender Division; counsel of record; and Sergio Arturo Valdez-Salas personally.

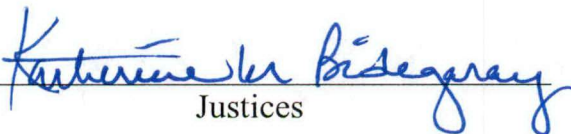
DATED this 29th day of April, 2025.










Justices