

ORIGINAL

FILED

06/13/2025

Bowen Greenwood
CLERK OF THE SUPREME COURT
STATE OF MONTANA

Case Number: DA 25-0413

IN THE SUPREME COURT OF THE STATE OF MONTANA

Supreme Court Cause No. DA 25-0413

FILED

JUN 13 2025

Bowen Greenwood
Clerk of Supreme Court
State of Montana

SKYLAR DEXTER ITTNER
6100 LAKEVIEW DR
HELENA MT 59602,
Appellant,

v.

THE CITY OF HELENA,
Appellee.

PETITION FOR AN OUT-OF-TIME APPEAL

I, Skylar Ittner, petition the Court to allow an out-of-time appeal because, while the District Court apparently filed their order on appeal on October 8 2024, it was not properly served to me. I was not made aware of the existence of the order until early May 2025. The order itself does not claim or certify service to myself at all, but rather to the City of Helena's attorney twice. I was finally mailed the order in a letter bearing a court-applied postage meter date of May 2, 2025 and lacking an official USPS postmark to prove the actual mailing date. To support these claims, find attached a photocopy of the envelope and relevant portions of the order contained within, the appeal of which is the reason for this petition.

I argue this appeal is timely as it falls well within the 60-day period for a criminal appeal if reckoned from the date the Clerk of District Court finally served the order to all parties as required by law. Whether or not the delay was intentional, it is an extraordinary circumstance amounting to a gross miscarriage of justice, specifically, by precluding an appeal and delaying its inception until it is no longer considered timely.

Further, if my appeal is not allowed to continue, the worrying conclusion that must be drawn is that district courts may usurp the Supreme Court and remove this Court's ability to hear appeals by simply "forgetting" to notify appellants of a decision until the deadline for a timely appeal of that decision has passed. In such a situation, appellants would be forced to proactively, often, and repeatedly query court clerks for any changes to their cases, to ensure they can "serve themselves" court orders and preserve their right to appeal. Obviously, this would be a terrible way to run a court system, with the only winners being internal bad actors willfully obstructing appeals. While I doubt the actual presence of such bad actors, there is no denying that we live in interesting times where things like this seem more likely than ever. Fortunately, this Court has

the power to easily avert this dark future and preemptively thwart evildoers, ensuring they remain purely hypothetical.

For the reasons stated herein, my petition for appeal should be granted.

Thank you.

I, Skylar Ittner, swear under penalty of perjury that the factual statements in this petition are true and correct to the best of my knowledge.

Dated this 13th day of June, 2025.



CERTIFICATE OF SERVICE

I hereby certify that I have filed a true and accurate copy of the foregoing PETITION FOR AN OUT-OF-TIME APPEAL with the Clerk of the Montana Supreme Court; and that I have *actually* served a true and accurate copy of the same upon:

City Attorney, City of Helena
316 N Park Ave Room 203, Helena MT 59623

Austin Knudsen, Montana Attorney General, Appellate Bureau

Dated this 13th day of June, 2025.

IN THE SUPREME COURT OF THE STATE OF MONTANA
Supreme Court Cause No. _____

SKYLAR DEXTER ITTNER
6100 LAKEVIEW DR
HELENA MT 59602,
Appellant,

v.

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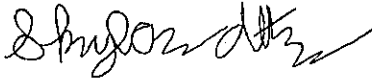
NOTICE OF APPEAL

NOTICE is given that Skylar Dexter Ittner, the Appellant above-named and who is the appellant in that cause of action filed in the First Judicial District, in and for the County of Lewis and Clark, as Cause No. DDC-2023-402, hereby appeals to the Supreme Court of the State of Montana from the final judgment or order entered in such action on the 8th day of October, 2024.

THE APPELLANT FURTHER CERTIFIES:

1. That this appeal is not subject to the mediation process required by M. R. App. P. 7.
2. That all available transcripts of the proceedings in this cause are being requested in compliance with M.R. App. P. 8(3).

Dated this 13th day of June, 2025.



Skylar Dexter Ittner

CERTIFICATE OF SERVICE

I hereby certify that I have filed a true and accurate copy of the foregoing NOTICE OF APPEAL with the Clerk of the Montana Supreme Court; and that I have served true and accurate copies of the foregoing NOTICE OF APPEAL upon the Clerk of the District Court and parties to the case, as follows:

Clerk of District Court, First Judicial District
228 Broadway St Room 104, Helena MT 59624

City Attorney, City of Helena
316 N Park Ave Room 203, Helena MT 59623

Austin Knudsen, Montana Attorney General, Appellate Bureau

Dated this 13th day of June, 2025.

