

ORIGINAL

FILED

07/01/2025

Bowen Greenwood
CLERK OF THE SUPREME COURT
STATE OF MONTANA

Case Number: DA 25-0413

IN THE SUPREME COURT OF THE STATE OF MONTANA

DA 25-0413

FILED

JUL 01 2025

Bowen Greenwood
Clerk of Supreme Court
State of Montana

THE CITY OF HELENA,

Plaintiff and Appellee,

v.

ORDER

SKYLAR DEXTER ITTNER,

Defendant and Appellant.

Self-represented Appellant Skylar Dexter Ittner has filed an unverified Petition for an Out-of-Time Appeal, explaining that he did not receive a copy of the final judgment until early May 2025. He states that while the First Judicial District Court, Lewis and Clark County, issued an Order on Appeal of the Helena Municipal Court's judgment on October 8, 2024, the Order was not properly served on him. Ittner includes a copy of the Order.

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[.]”

This Court observes, as Ittner points out, that the October 8, 2024 Order was served twice to the City Attorney and that it did not include Ittner's name for service. We conclude that Ittner has demonstrated extraordinary circumstances, entitling him to an appeal here. Therefore,

IT IS ORDERED that Ittner's Petition for an Out-of-Time Appeal is GRANTED and that the Clerk of the Supreme Court is directed to FILE his accompanying Notice of Appeal, included with his Petition, as of this Order's date.

The Clerk is also directed to provide a copy of this Order to counsel of record and to Skylar Dexter Ittner along with a copy of this Court's Appellate Handbook.

DATED this 1st day of July, 2025.



Chief Justice



Justices