

ORIGINAL

FILED

07/22/2025

Bowen Greenwood  
CLERK OF THE SUPREME COURT  
STATE OF MONTANA

Case Number: DA 25-0503

IN THE SUPREME COURT OF THE STATE OF MONTANA

DA 25-0503

FILED

JUL 22 2025

Bowen Greenwood  
Clerk of Supreme Court  
State of Montana

STATE OF MONTANA,

Plaintiff and Appellee,

v.

ORDER

AARON PRESTON RICCI,

Defendant and Appellant.

Aaron Preston Ricci has filed a Petition for an Out-of-Time Appeal, explaining that it has been an uphill battle for him in trying to secure the appropriate forms for an appeal while he is placed in the S.T.A.R.T. program. Ricci lists a criminal cause number in his Petition, and he served both the Attorney General and the previous Missoula County Attorney. When Ricci asked for a form, Ricci adds that he received an application form for sentence review and that he was told different time frames for seeking an appeal. Ricci also moves this Court for appointment of counsel. We amend the caption to align the parties correctly. M. R. App. P. 2(4).

Available electronic records indicate that the Fourth Judicial District Court, Missoula County, found Ricci guilty of felony assault with a weapon on June 6, 2024. On August 14, 2024, the District Court sentenced Ricci to the Department of Corrections for a five-year term and awarded seventy days of credit for time served. It is not readily apparent if Ricci has a pending application with the Sentence Review Division (SRD); his name did not appear on the list for the November 2024 and February 2025 hearings. The next hearings are scheduled for August 7-8, 2025.

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[.]”

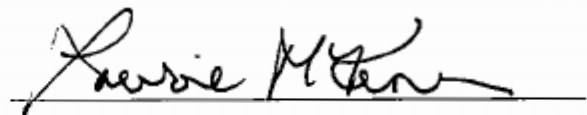
We conclude that Ricci has demonstrated extraordinary circumstances, amounting to a gross miscarriage of justice. Ricci has a recent conviction and sentence, and he is likely entitled to appointment of counsel. Section 46-8-104(1)(d), MCA. Accordingly,

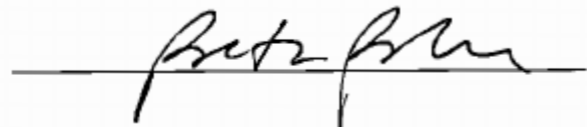
IT IS THEREFORE ORDERED that Ricci's Petition for an Out-of-Time Appeal is GRANTED.

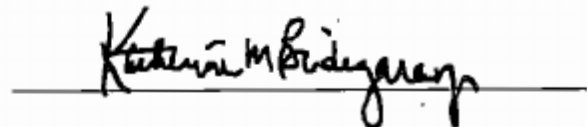
IT IS FURTHER ORDERED that Ricci's Motion for Appointment of Counsel is GRANTED. The Appellate Defender Division shall have thirty days from the date of this Order within which to either file a Notice of Appeal or a Motion to Rescind this Order Appointing Counsel. When Ricci qualifies for appointed counsel,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

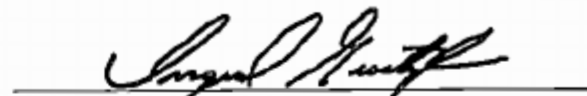
The Clerk of the Supreme Court is directed to provide a copy of this Order to: the Appellate Defender Division; counsel of record; Matt Jennings, Missoula County Attorney; Dia C. Lang, SRD Office Administrator, and Aaron Preston Ricci personally.

DATED this 22<sup>nd</sup> day of July, 2025.









  
Justices