

Jeremy S Guess
Appellant, Pro Se
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ORIGINAL

IN THE SUPREME COURT OF THE STATE OF MONTANA

No. DA25-0628

[to be assigned by Clerk of Supreme Court]

Jeremy Stephen Guess,

Appellant,

v.

Chelsey Mae Helt,

Appellee.

**PETITION FOR
AN OUT-OF-TIME
APPEAL**

I petition the Court to allow me to file an out-of-time appeal for the following reason:

I improperly filed a timely Notice of Appeal only with the District Court, as more fully explained below.

I discussed filing a timely appeal with my attorney, but he or she failed to file it for me, as more fully explained below.

I failed to file the Notice of Appeal for the following reason:

FILED

SEP 04 2025

Bowen Greenwood
Clerk of Supreme Court
State of Montana



© Montana Supreme Court

I was incarcerated in the Gallatin County Detention Center from **July 4–15, 2025**. While I was in custody, the District Court entered the **Final Order of Protection** on **July 7, 2025**, and I was **personally served in the jail the same day (July 7, 2025)**. Because I was incarcerated, I lacked access to my legal files and the court docket and could not prepare and file a notice within 30 days.

Upon release on **July 15, 2025**, I immediately had to litigate urgent matters **pro se** in my related parenting-plan case while also trying to preserve appellate rights in this case. I **prepared and sent my Notice of Appeal on August 6, 2025**, but I was later informed it was **received/docketed too late** to be treated as timely. The delay was caused by incarceration and the extraordinary post-release demands on a self-represented litigant, not neglect.

Additionally, on **July 2, 2025**, Petitioner (through counsel) filed a **Notice of Respondent's Recent Arrest** in this OOP matter. The record reflects no substantive action on pending motions from April into early July, and the Final Order issued **five days later** while I remained in custody. Although an arrest is not proof of wrongdoing, that filing injected highly prejudicial, **unadjudicated** material into the record on the eve of decision and, on information and belief, influenced the ruling. (See **Exhibit E.**)

The dates set out in Attachment A – Chronology are true and correct, and Attachment A is incorporated into this petition by reference.

Issues intended to be raised on appeal:

1. Whether my **due process** rights were violated by entry of the Final Order while I was incarcerated and unable to appear, participate, or defend.
2. Whether the Final Order is supported by **admissible, sufficient evidence.**



3. Whether the District Court **failed to resolve multiple pending motions** before entering the Final Order.
4. Whether the fairness and integrity of the proceedings were compromised by **improper third-party involvement** in Petitioner's filings.
5. Whether the District Court **improperly considered** Petitioner's **July 2, 2025 "Notice of Respondent's Recent Arrest,"** relying on **unadjudicated allegations** in entering the Final Order.

Attached as Exhibit "A," a copy of the judgment or order from which I wish to appeal.

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

Relief is warranted under **M. R. App. P. 4(6)** because these facts constitute extraordinary circumstances; denying the appeal would result in a gross miscarriage of justice.

DATED this 29 day of August, 2025.



Jeremy Stephen Guess, Appellant, Pro Se



VERIFICATION UPON OATH OR AFFIRMATION

STATE OF MONTANA)
 : ss.
County of GALLATIN)

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

DATED this 29 day of August, 2025.

[Signature]
[Signature]

Jeremy Guess
[Print name]

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

[Seal]

[Signature]
[Signature of Notary Public] Deputy clerk

Tim Fournier
[Typed or printed name]

Deputy Clerk, District Court
[Title]

Gallatin County
[Residing at]

My Commission expires: N.A.



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:

JUDD JENSEN
[Name of opposing counsel]

Browning, Kaleczyc, Berry & Hoven, P.C.


801 W Main St, Bozeman, MT 59715
[Address]

Counsel for Chelsey Mae Helt

[Other party representing himself or herself]

[Address]

DATED this 29 day of August, 2025.


[Name]
Jeremy Stephen Guess
[Print name]

