

FILED

09/30/2025

Bowen Greenwood  
CLERK OF THE SUPREME COURT  
STATE OF MONTANA

Case Number: DA 25-0655

ORIGINAL

IN THE SUPREME COURT OF THE STATE OF MONTANA

DA 25-0655

FILED

SEP 30 2025

Bowen Greenwood  
Clerk of Supreme Court  
State of Montana

STATE OF MONTANA,

Plaintiff and Appellee,

v.

BRENDA BERG,

Defendant and Appellant.

ORDER

On her own behalf, Brenda Berg has filed a verified Petition for an Out-of-Time Appeal, explaining that she discussed filing a timely appeal with her attorney but that her attorney failed to file it. Berg also moves for appointment of counsel and includes a sentencing judgment.

On September 3, 2024, the Tenth Judicial District Court, Fergus County, issued its Order on Change of Plea, Restitution after Hearing, Judgment and Sentence, imposing prison sentences for seven felony counts.

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 Berg has demonstrated extraordinary circumstances, entitling her to an appeal. Berg has recent convictions and sentences. She is likely entitled to appointment of counsel.

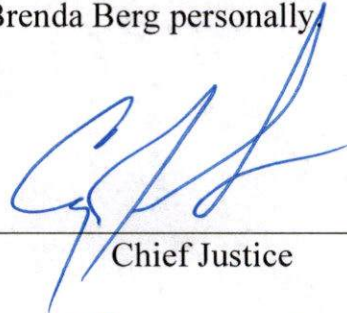
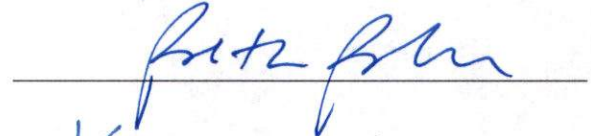
IT IS THEREFORE ORDERED that Berg’s Petition for an Out-of-Time Appeal is GRANTED.

IT IS FURTHER ORDERED that Berg’s Motion for Appointment of Counsel is GRANTED. The Appellate Defender Division shall have thirty days from the date of this

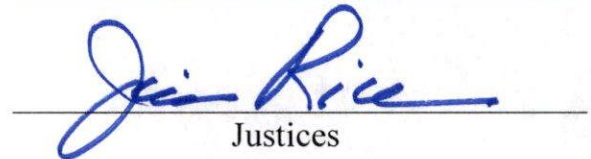
Order within which either to file a Notice of Appeal or a Motion to Rescind this Order Appointing Counsel. When Berg qualifies for appointed counsel, the Appellate Defender Division shall immediately order the appropriate transcripts.

The Clerk of the Supreme Court is directed to provide a copy of this Order to: the Appellate Defender Division; counsel of record; and Brenda Berg personally

DATED this 30<sup>th</sup> day of September, 2025.

  
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Chief Justice  
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Katherine M. Bidegaray

  
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Justices