

FILED

03/04/2026

Bowen Greenwood
CLERK OF THE SUPREME COURT
STATE OF MONTANA

Case Number: DA 26-0146

ORIGINAL

MONTANA SUPREME COURT

Cause No. DA26-0146 (to be determined by the Court)

FILED

MAR 04 2026

Bowen Greenwood
Clerk of Supreme Court
State of Montana

Jay D. Witkowski,
Petitioner/Appellant,

v.

State of Montana,
Respondent/Appellee.

DV 2025-20

**MOTION TO PROCEED IN FORMA PAUPERIS ON
APPEAL FROM DENIAL OF POSTCONVICTION
RELIEF**

COMES NOW the Appellant, **Jay D. Witkowski**, appearing pro se, and pursuant to Rule 6 of the Montana Rules of Appellate Procedure, respectfully moves this Court for an Order granting leave to proceed in forma pauperis on appeal from the denial of his Petition for Postconviction Relief, without prepayment of filing fees or costs.

In support of this Motion, Appellant states:

1. I am currently incarcerated at Montana State Prison in Deer Lodge, Montana (Inmate No. 3002444).
2. I filed a Notice of Appeal from the Order dismissing my Petition for Postconviction Relief entered in the Seventeenth Judicial District Court, Valley County, Montana, dated February 5, 2026.
3. I am indigent and financially unable to pay the appellate filing fee required by the Clerk of the Montana Supreme Court.
4. My only income consists of minimal institutional wages and limited deposits to my inmate trust account.
5. My inmate trust account balance is insufficient to cover the filing fee.
6. I have formally requested a certified copy of my inmate trust account statement for the past six (6) months from Montana State Prison officials and will promptly file it with this Court upon receipt.

7. Requiring prepayment of the filing fee would effectively deny my constitutional right to appellate review of the denial of postconviction relief.

WHEREFORE, Appellant respectfully requests that this Court:

1. Grant leave to proceed in forma pauperis on appeal;
2. Waive the filing fee and associated appellate costs; and
3. Grant such further relief as this Court deems just and proper.

DATED this 2nd day of March, 2026.

Respectfully submitted,

Jay D. Witkowski
Inmate No. 3002444
Montana State Prison
400 Conley Lake Rd.
Deer Lodge, MT 59722
Petitioner/Appellant, Pro Se



AFFIDAVIT OF INDIGENCY

STATE OF MONTANA)

: ss.

County of Powell)

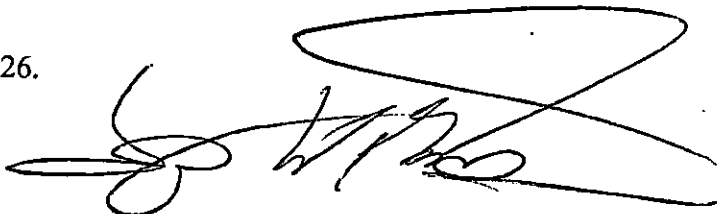
I, **Jay D. Witkowski**, Inmate No. 3002444, declare under penalty of perjury:

1. I am the Petitioner/Appellant in the above-entitled matter.
2. I am currently incarcerated at Montana State Prison.
3. My current inmate trust account balance is approximately \$0
4. My average monthly income for the past six (6) months is approximately \$70
5. I have requested a certified copy of my inmate trust account statement for the past six (6) months and will submit it to the Court upon receipt.
6. I have no significant assets, savings, or property.
7. I am unable to pay the filing fee required for this appeal.

I declare under penalty of perjury under the laws of the State of Montana that the foregoing is true and correct.

DATED this 2nd day of March, 2026.

Jay D. Witkowski
Inmate No. 3002444



400 Conley Lake Rd

Deer Lodge Mt 59722

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing Notice of Postconviction Appeal was served by United States Mail, postage prepaid, upon the following:

Valley County Attorney's Office, 501 Court Sq. #20, Glasgow Mt. 59230

Montana Attorney General's Office, 215 N. Sanders, Third Floor, PO Box 201401,

Helena MT. 59620-1401

Clerk of Montana Supreme Court, PO Box 203003, Helena Mt. 59620-3003

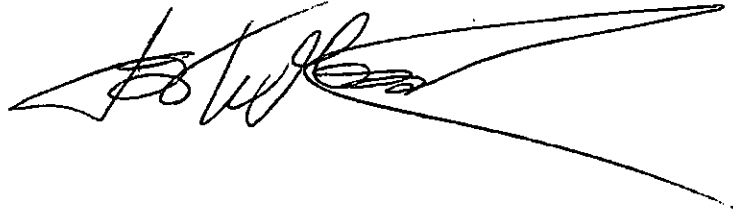
Official Court Reporter, Seventeenth Judicial District Court 501 Court Sq., Box 6, Glasgow Mt. 59230

on this 2nd day of March, 2026.

Jay D. Witkowski, Pro Se
#3002444

400 Conley Lake Rd.

Deer Lodge Mt. 59722

A handwritten signature in black ink, appearing to read "Jay D. Witkowski", written over a horizontal line.