

ORIGINAL

Justin Fitch

Name
440 Colorado Blvd

Glendive MT 59330

City State Zip
BHeld1206@gmail.com
[e-mail address]

Appellant
[Designation of party]

FILED

03/09/2026

Bowen Greenwood
Clerk of the Supreme Court
STATE OF MONTANA

Case Number: DA 26-0165

FILED

MAR 09 2026

Bowen Greenwood
Clerk of Supreme Court
State of Montana

IN THE SUPREME COURT OF THE STATE OF MONTANA

No. 26-0165

[to be assigned by Clerk of Supreme Court]

Justin Fitch

Appellant,

v.

State of Montana

Appellee.

PETITION FOR
AN OUT-OF-TIME
APPEAL

[To ask the Court to allow you to file an out-of-time appeal, give the reasons why the appeal was not timely filed. State in the petition or supporting affidavit the issues you wish to raise on appeal and explain in detail the reasons that you did not file a timely appeal. Give only true and accurate explanations that support your petition. Include a copy of the final order or judgment from which you wish to appeal. M. R. App.P. 4(6)]

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

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:

I am incarcerated at DCCF, I did not receive the appeal paper work until February 9th at 2pm. I filed as quickly as possible Feb 10th but the DCCF staff didn't mail it out until Friday Feb. 13th the day it was due. Because of the late notice with such short time to have it in & the resistance I have been receiving from the DCCF staff, ~~the~~ With the return from the Supreme Court I am being forced to file an out-of-time appeal.

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:

DATED this 27th day of February, 2020.



Justin Fitch
[Signature]

Justin Fitch
[Print name]

VERIFICATION UPON OATH OR AFFIRMATION

STATE OF MONTANA)

: SS.

County of Dawson)

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

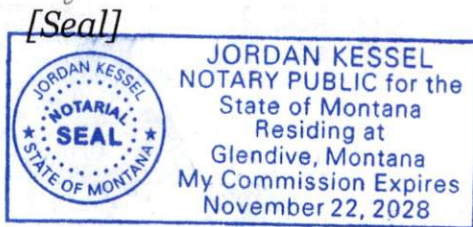
DATED this 27th day of February, 2026.

Jordan K. Justin Fitch
[Signature]

Justin Fitch
[Print name]

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

Justin Fitch



Jordan Kessel
[Signature of Notary Public]

Jordan Kessel
[Typed or printed name]

Sergeant
[Title]

Glendive, MT
[Residing at]

My Commission expires: November 22, 2028.



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:

Clerk of Supreme Court
[Name of opposing counsel]

P.O. Box 203003 Helena

MT 59620
[Address]

Counsel for N/A

Justin Fitch
[Other party representing himself or herself]

440 Colorado Blvd

400 Glendive MT 59330
[Address]

DATED this 27th day of February, 2020.

Justin Fitch
[Name]

Justin Fitch
[Print name]

