FILED
05/26/2026
Bowen Greenwood
CLERK OF THE SUPREME COURT
STATE OF MONTANA
Case Number: DA 25-0705

ORIGINAL

IN THE SUPREME COURT OF THE STATE OF MONTANA

DA 25-0705

FILED
MAY 26 2026
Bowen Greenwood
Clerk of Supreme Court
State of Montana

MIKEL STETSON LETHERMAN,

Petitioner and Appellant,

v.

STATE OF MONTANA,

Respondent and Appellee.

ORDER

Mikel Stetson Letherman moves this Court to correct the record, explaining that the record from the Yellowstone County District Court is incomplete for his underlying postconviction relief case. Attached to his motion, he includes his petition for postconviction relief with a memorandum, exhibits, and an affidavit. The State of Montana responds that this Court should deny his motion because the attached documents are part of the record on appeal. The State provides that the record has eleven documents—including his attachments—and that his attachments were not all individually listed in the register of actions.

The Montana Rules of Appellate Procedure define the record for appellate review. "The original papers and exhibits filed in the district court, the transcript of proceedings, if any, and a certified copy of the docket entries prepared by the clerk of the district court shall constitute the record on appeal in all cases." M. R. App. P. 8(1). This Court received the record on November 13, 2025, from the District Court. The record is complete.

This Court observes that Letherman's opening brief was due on May 11, 2026. He did not file it. The Clerk of the Supreme Court notes that Letherman contacted the office, stating that he was mailing a motion for extension of time. We remind Letherman that he must serve all pleadings upon opposing counsel to enable the filing with this Court. M. R. App. P. 10(2) and 10(3). Therefore,

IT IS ORDERED that Letherman's Motion to Correct the Record is DENIED, as moot.

The Clerk is directed to provide a copy of this Order to all counsel of record and to Mikel Stetson Letherman personally.

DATED this 26 day of May, 2026.

For the Court,

By _____
Chief Justice