ORIGINAL

FILED
05/26/2026
Bowen Greenwood
CLERK OF THE SUPREME COURT
STATE OF MONTANA
Case Number: DA 26-0294

IN THE SUPREME COURT OF THE STATE OF MONTANA

DA 26-0294

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

STATE OF MONTANA,

Plaintiff and Appellee,

v.

SAM DEAN GLENN,

Defendant and Appellant.

ORDER

Sam Dean Glenn has filed a verified Petition for an Out-of-Time Appeal and includes a copy of the sentencing judgment. Glenn also moves for appointment of counsel in this appeal.

On June 11, 2025, the Thirteenth Judicial District Court, Yellowstone County, sentenced Glenn to the Montana State Prison for a twenty-year term with five years suspended after a jury found him guilty of felony robbery. The District Court ran the sentence consecutively to two other sentences and awarded credit for time served. The court also designated Glenn a persistent felony offender.

Glenn puts forth that he diligently pursued an appeal of his conviction and sentence. Glenn explains that he asked his attorney to file a Notice of Appeal and that his counsel agreed to do so. He states that his counsel told him "numerous times" that he would file an appeal. Glenn adds that his efforts to contact his counsel have failed and "came to nought."

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 Glenn has demonstrated extraordinary circumstances, entitling him to an appeal. Glenn has a recent conviction and sentence. He is likely entitled to appointment of counsel. Section 46-8-104, MCA.

Accordingly,

IT IS ORDERED that Glenn's Petition for an Out-of-Time Appeal is GRANTED.

IT IS FURTHER ORDERED that Glenn'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 Glenn 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 Sam Dean Glenn personally.

DATED this 26th day of May, 2026.

Chief Justice

Justices