ORIGINAL

FILED
05/26/2026
Bowen Greenwood
CLERK OF THE SUPREME COURT
STATE OF MONTANA
Case Number: DA 26-0325

IN THE SUPREME COURT OF THE STATE OF MONTANA

DA 26-0325

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

STATE OF MONTANA,

Plaintiff and Appellee,

v.

THOMAS D. LOCKHART,

Defendant and Appellant.

ORDER

Thomas D. Lockhart has filed a verified Petition for an Out-of-Time Appeal, explaining that he "could not have filed an appeal on time [] because of no fault of [his] own." Lockhart states that he "found out that this case was not appealed." Lockhart asserts that he "was not afforded effective assistance of counsel, due process, and fair proceeding." Lockhart contends that the Department of Corrections (DOC) did not exhaust the Montana Incentives Intervention Guide (MIIG) for his non-compliance violation in the Report of Violation. He requests counsel "once the State has consented." Lockhart indicates he is seeking to appeal a sentence for a "parole violation" in case number DC-23-113. Lockhart asserts in his motion that he attached a copy of the judgment he wishes to appeal, but no judgment was attached.

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[.]" It is not readily apparent what judgment Lockhart seeks to appeal in this case, because no judgment was provided. More to the point, Lockhart has provided no substantive reasons for his untimely appeal, other than conclusory statements that he "found out this case was not appealed," and that he could not have filed an appeal on time "because of no fault of my own."

We conclude that Lockhart is not entitled to this petition for an out-of-time appeal. Denial of his Petition will not cause a gross miscarriage of justice. Accordingly,

IT IS ORDERED that:

1. Lockhart's Petition for an Out-of-Time Appeal is DENIED and DISMISSED;
2. Lockhart's Request for Appointment of Counsel is DENIED, as moot; and
3. this matter is CLOSED as of this Order's date.

The Clerk of the Supreme Court is directed to provide a copy of this Order to: counsel of record and Thomas D. Lockhart personally.

DATED this 26th day of May, 2026.

Justices