

## IN THE SUPREME COURT OF THE STATE OF MONTANA

DA 16-0681

RANDY BILL RING,

Petitioner and Appellant,

v.

STATE OF MONTANA,

Respondent and Appellee.

ORDER

FILED

NOV 29 2016

Ed Smith  
CLERK OF THE SUPREME COURT  
STATE OF MONTANA

Randy Bill Ring, appearing as a self-represented litigant, petitions this Court for an out-of-time appeal from a May 22, 2016 District Court order denying his petition for postconviction relief. Ring does not offer any reasons for his delay, but rather complains that he has been denied substantive due process. Ring has also filed a request for the appointment of counsel on his behalf. Ring represented himself in the District Court.

In its Order denying Ring's petition for postconviction relief, the District Court observed that that Ring raises the same issues in his petition as those which this Court considered and rejected in his direct appeal from his conviction. *State v. Ring*, 2014 MT 49, ¶¶ 20, 25, 31, 374 Mont. 109, 321 P.3d 800. The court also determined that Ring's petition was untimely, having been filed three weeks after the deadline for the filing of such petition, notwithstanding that the court had previously advised him of his filing deadline.

M. R. App. P. 4(6) allows an out of time appeal only "in the infrequent harsh case under extraordinary circumstances amounting to a gross miscarriage of justice[.]" *Mt. West Bank, N. A. v. Western Skys Ltd. Co.*, 2008 MT 54, ¶ 3, 341 Mont. 448, 177 P.3d 1052. The rule also requires that a request for out-of-time appeal must be by verified petition supported by affidavits, records, and other evidence establishing the existence of the extraordinary circumstances claimed. Ring has not complied with this rule, nor has

he demonstrated any extraordinary circumstances resulting in a gross miscarriage of justice. Therefore,

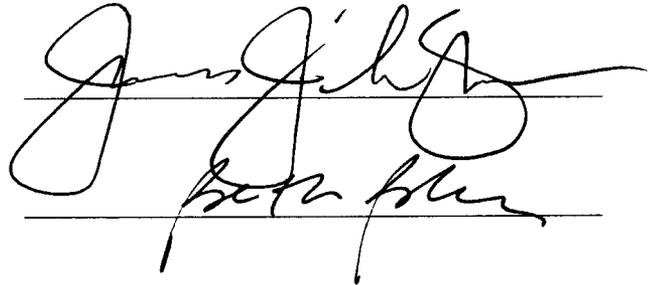
IT IS ORDERED that the petition for an out-time appeal is DENIED.

IT IS FURTHER ORDERED that the motion for counsel is DENIED, as moot.

The Clerk is directed to provide a copy of this Order to counsel of record, and to Randy Ring personally.

DATED this 29<sup>th</sup> day of November, 2016.

  
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Justices