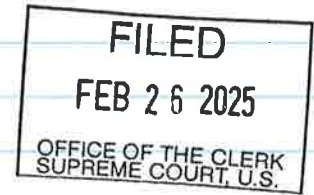


Robert S Pierce 3013080
700 Conley Lake Road
Deer Lodge, MT 59722

24/4/237

2/24/25
ORIGINAL

Office of the Clerk
Supreme Court of the United State
Washington, DC 20543



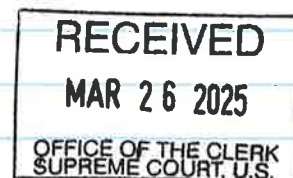
Dear Clerk of the Supreme Court,

I AM Requesting A 30 extension to file a writ of certiorari
Against The State of Montana, The Montana Supreme Court issue
an order on January 7, 2025, on January 13, 2025, I filed A
Motion for Re-hearing pursuant to Rule 20(c)(4). The Supreme Court
did not Address this Re-hearing, on January 30, 2025 I was
shipped to Shelby Montana to Crossroads Correctional Center. on
February 20, 2025 I was court ordered back to Montana State
Prison for violations of Fed. R. App. P. Rule 23,
during these transports, I lost Legal References, Clothing,
Legal documents And A Photo of my wife.

I There fore find it difficult to comply with the 90 days allowed
without Receiving A 30 day extension.

Thank you for your time And Consideration

Sincerely Robert S Pierce.



FILED

01/07/2025

Bowen Greenwood
CLERK OF THE SUPREME COURT
STATE OF MONTANA

Case Number: DA 24-0390

IN THE SUPREME COURT OF THE STATE OF MONTANA

DA 24-0390

FILED

JAN - 7 2025

Bowen Greenwood
Clerk of Supreme Court
State of Montana

STATE OF MONTANA,

Plaintiff and Appellee,

v.

ORDER

ROBERT S. PIERCE,

Defendant and Appellant.

Self-represented Appellant Robert S. Pierce moves this Court “to deny extensions to the State for Responses to Appeal of ‘deemed denied’ 60(b) Appeal, due to committing Fraud in DA-18-0404.” Pierce states that “the [S]tate of Montana should not be allowed to drag out the case any further.” The State of Montana has not filed a response.

In the Third Judicial District Court, Anaconda-Deer Lodge County, on April 8, 2024, Pierce filed a Motion to Vacate Final Judgment and a Brief in Support in his criminal case, dating back to 2012. He appeals the “deemed denied” order, as of June 8, 2024, pursuant to the Montana Rules of Civil Procedure. M. R. Civ. P. 60(b)(4). He now argues that the State should not be granted any additional time to respond to his opening brief, which challenges a prior appeal.

Additional background is necessary. A jury found Pierce guilty of sexual intercourse without consent and sexual assault in April 2013. The District Court sentenced Pierce to the Montana State Prison for a forty-year term with fifteen years suspended for the first conviction and a concurrent term of twenty-five years at the Montana State Prison for the second conviction. Through counsel, Pierce appealed, raising issues concerning pre-trial motions. This Court affirmed. *State v. Pierce*, 2016 MT 308, 385 Mont. 439, 384 P.3d 1042 (*Pierce I*).

In 2017, Pierce, on his own behalf, brought an appeal of the District Court's Order granting motions for summary judgment brought by the underlying defendants in a civil matter. *Pierce v. Barkell et al.*, No. DA 17-0472, 2018 MT 53N, 2018 Mont. LEXIS 66, (Mar. 20, 2018) (*Pierce II*). We explained that while Pierce's appeal of his convictions was pending with this Court, he filed a civil suit against the law enforcement officers involved in the criminal investigation; their employer, Anaconda-Deer Lodge County; and the victim's mother. *Pierce II*, ¶¶ 2-4. This Court affirmed the District Court's granting of the summary judgment motions. *Pierce II*, ¶¶ 16-17. We stated:

Pierce has not demonstrated his case should not be barred by collateral estoppel. As the District Court explained, Pierce seeks to relitigate his criminal conviction by attacking the credibility of the victim, the police investigation, and other matters which were raised or should have been raised at trial. Because Pierce's civil suit is an impermissible collateral attack on the validity of the criminal conviction, the District Court correctly granted summary judgment in Appellees' favor.

Pierce II, ¶ 15.

In 2018, Pierce appealed the denial of his petition for postconviction relief, issued in the Anaconda-Deer Lodge County District Court. *Pierce v. State*, No. DA 18-0404, 2019 MT 124N, 2019 Mont. LEXIS 198 (May 28, 2019) (*Pierce III*). We affirmed, addressing the issues raised, and concluding that "the District Court did not err when it denied Pierce's petition for postconviction relief." *Pierce III*, ¶ 15. This prior appeal is the basis of his instant appeal, where he alleges fraud.

Both Pierce's motion and instant appeal are not properly before this Court. His opposition to the State's motion for an extension of time lacks merit. M. R. App. P. 16(1). Pierce had an appeal of his conviction and sentence as well as an appeal of the court's decision concerning postconviction relief.¹ *Pierce I* and *Pierce III*. See also § 46-20-104(1), MCA (a defendant may appeal a final judgment or order that affects the defendant's substantial rights). He cannot utilize the Montana Rules of Civil Procedure to

¹ In 2019, Pierce twice petitioned this Court for extraordinary relief. This Court denied his petitions. See *Pierce v. Guyer*, No. OP 19-0552, Order denying petition (Mont. Oct. 8, 2019) and *Pierce v. State*, No. OP 19-0690, Order (Mont. Dec. 17, 2019).

reopen his criminal case. M. R. Civ. P. 1. He cannot attempt to relitigate matters that this Court has decided. *Pierce I*, *Pierce II*, and *Pierce III*. His instant appeal of a “deemed denied” order is improperly before this Court, causing no effect on his substantial rights.

This Court cautions Pierce to refrain from filing pleadings concerning his 2013 convictions and sentence. If he chooses to persist, this Court will require him to submit a motion for leave prior to the filing of any pleading. Therefore,

IT IS ORDERED that Pierce’s appeal is DISMISSED *sua sponte* and his Motion to deny the State’s requests for extensions of time is DENIED, as moot.

The Clerk of the Supreme Court is directed to provide a copy of this Order to counsel of record and to Robert Pierce personally.

The Clerk is also directed to CLOSE this matter as of this Order’s date.

DATED this 24th day of January, 2025.

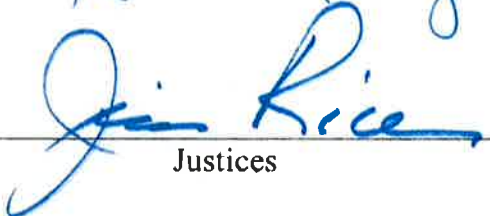


Chief Justice









Justices