

No.

IN THE
SUPREME COURT of THE UNITED STATES

ANTHONY WEIMER
Petitioner,

vs.

STATE of MONTANA
Respondent.

ON PETITION FOR A WRIT OF CERTIORARI TO
THE SUPREME COURT OF THE STATE of MONTANA

MOTION FOR EXTENSION OF TIME

Addressed to

JUSTICE ELENA KAGAN

ANTHONY WEIMER
50 Crossroads Dr.
Shelby, MT 59474
Counsel, pro se

Before the Court is Petitioner, Anthony Weimer, seeking an extension of time to file in this Court, a petition for writ of Certiorari to the Supreme Court of the State of Montana. The request is made pursuant to Fed. R. S. Ct. Rule 30.

Judgment in this matter was entered on October 23rd, 2024, from the State of Montana's highest Court, inferring this Court's jurisdiction for review pursuant to 28 U.S.C. § 1257. See Appendix A. See also, Appendix B, Initial Court's Judgment and Sentence (Amended).

The current due date for such petition is Sunday, January 21st, 2024. Anthony requests an extension of time in the amount of Sixty (60) days making the filing deadline MONDAY, MARCH 11th, 2025.


The following supports this request:

1. Petitioner, Anthony, is an incarcerated prisoner on the instant orders and judgment he desires review of.
2. On October 31st, 2024, and eight days after the highest state Court dismissed the appeal, Anthony was transported to a different prison facility. The facility has limited legal resources and access, including, U.S. Supreme Court practice and procedure. I am working with what is available to me.
3. Anthony is currently awaiting State appointed Counsel's transmission of the Complete record. The Complete record was transferred on December 4th, 2024,
4. A right in the present case was specially set up under the Constitution and Statutes of the United States. Certiorari to the Montana Supreme Court may be granted. Anthony is sustaining, what ~~could~~ be, irreparable harm as a minority, to his First Amendment right of religious liberty. There is exceptional conflict among the United States Circuit Court of Appeals, including this Court on the aforementioned issue, and has been a long time issue of widespread public interest. Secondly, of grave concern, if the writ isn't issued, the State of Montana may well continue in the commission of a federal crime. A state criminal statute that prohibits certain

Conduct of the public while that same public violates an individuals most basic fundamental Superior/federal Constitutional rights guaranteed in the Bill of Rights must cancel the state Criminal statute as applied, and where federal Criminal statute(s) explicitly make manifest a separate crime by the state upon the same transaction. Something similar, but need be well distinguished from a state Criminal statute facially challenged as unconstitutional. In sum, whether a state judge shall overthrow its own constitution and statutes in violation of Art. VI, Cl. 2 of the United States Constitution, among the federal Criminal statutes and Bill of Rights, leaving Anthony with an unconstitutional conviction.

Respectfully executed this 4th day of December, 2024.

The foregoing is hereby declared under penalty of perjury is true and correct. 28 U.S.C. § 1746; 18 U.S.C. § 1621.


ANTHONY WEIMER
50 Crossroads Dr.
Shelby, MT 59474
Petitioner Counsel, pro se

NOTICE:

Appended lower court records are not being served on Counsel of record due to complications while incarcerated. Counsel of record holds a copy of the record.

No. _____

IN THE
SUPREME COURT OF THE UNITED STATES

ANTHONY WEIMER
Petitioner,

vs.

STATE of MONTANA
Respondent.

PROOF OF SERVICE

I, Anthony Weimer, do certify or declare that on this date, 7th
day of December, 2024, as required by Supreme Court Rule 29 and 28
U.S.C. § 1746 I have served the enclosed

MOTION FOR EXTENSION OF TIME


on each party to the above proceeding or that party's Counsel, and on every
other person required to be served, by depositing in the Prison Mail
System an envelope, containing the above document(s), requesting
Standard first-class postage.

Attorney General of Montana
215 N. Sanders St.
Helena, MT 59601

Flathead County Attorney
820 S. Main
Kalispell, MT 59901

I declare under penalty of perjury that the foregoing is true and correct.

Executed on this 7th day of December, 2024


ANTHONY WEIMER
Counsel, pro se

APPENDIX

A

ORIGINAL

FILED

10/23/2024

Bowen Greenwood
CLERK OF THE SUPREME COURT
STATE OF MONTANA

Case Number: DA 23-0100

IN THE SUPREME COURT OF THE STATE OF MONTANA

DA 23-0100

FILED

OCT 23 2024

Bowen Greenwood
Clerk of Supreme Court
State of Montana

STATE OF MONTANA,

Plaintiff and Appellee,

v.

ORDER

ANTHONY CRAIG WEIMER,

Defendant and Appellant.

Counsel for Appellant Anthony Craig Weimer filed a motion and brief asking to be allowed to withdraw from this appeal on grounds that counsel has been unable to find any nonfrivolous issues to raise on appeal, pursuant to § 46-8-103(2), MCA, and *Anders v. California*, 386 U.S. 738, 87 S. Ct. 1396 (1967). Weimer responded to counsel's brief and objected to counsel's motion.

The Court has now independently examined the record pursuant to § 46-8-103(2), MCA, and *Anders*. We have considered the arguments raised by counsel and by Weimer. We conclude there are no arguments with potential legal merit that could be raised in Weimer's appeal in this case.

IT IS THEREFORE ORDERED that this appeal is DISMISSED.

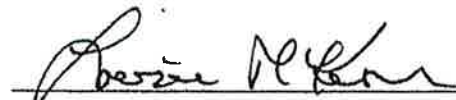
The Clerk is directed to provide copies of this Order to all counsel of record and to Weimer personally.

DATED this 23rd day of October, 2024.

SI MIKE MCGRATH


Chief Justice

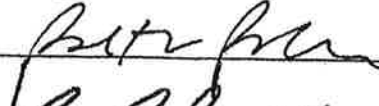
SI LAURIE MCKINNON



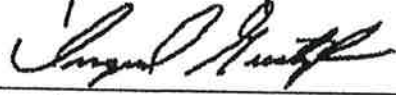
S/ JAMES JEREMIAH SHEA



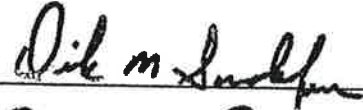
S/ BETH BAKER



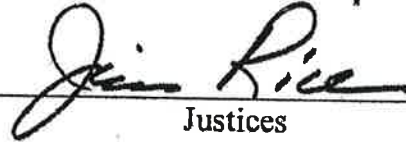
S/ INGRID GUSTAFSON



S/ DIRK M. SANDEFUR



S/ JIM RICE



Justices

APPENDIX

B

FILED
12/28/2022
Pop L. Albani
CLERK
Flathead County District Court
STATE OF MONTANA
By Elizabeth Davis
DC-18-009-000207-01
Ulbricht, Heidi J
273.00

1 Hon. Heidi J. Ulbricht
2 Eleventh Judicial District
3 Flathead County Justice Center
4 920 S Main, Ste 310
5 Kalspell, MT 59901
6 406-758-5906

MONTANA ELEVENTH JUDICIAL DISTRICT COURT, FLATHEAD COUNTY

8 STATE OF MONTANA,
9 Plaintiff,
10 vs.
11 ANTHONY CRAIG WEIMER,
12 Defendant.

Case No.: DC-20-207C

AMENDED
JUDGMENT AND SENTENCE

13 On June 29, 2020, the Defendant was charged with Criminal Mischief, a Felony in
14 violation of section 45-6-101(1)(a), MCA, as the result of events on June 27, 2020. The matter
15 came before the Court for a one-day bench trial on November 23, 2020. The Defendant was found
16 guilty. The Court imposed a 3-year deferred imposition of sentence. The Defendant appealed the
17 action to the Montana Supreme Court. The Defendant was being supervised by Probation and
18 Parole. On October 21, 2021, the Montana Supreme Court reversed and remanded the case for a
19 new trial because the record did not contain a written waiver of Weimer's right to a jury trial.

20 A 3-day Jury Trial concluded on August 24, 2022, and the Defendant was found guilty of
21 Criminal Mischief, a Felony.

22 A hearing in aggravation and mitigation of sentence was held on December 19, 2022. In
23 fashioning the sentence to be imposed in this matter, the Court is guided by the correctional and
24 sentencing policy and principles of the State of Montana, §46-18-101, MCA, which require the
25 Court to: (a) Punish each offender commensurate with the nature and degree of harm caused by
26 the offense and to hold an offender accountable; (b) protect the public, reduce crime, and increase
27 the public sense of safety by incarcerating violent offenders and serious repeat offenders; (c)
28 provide restitution, reparation, and restoration to the victim of the offense; and (d) encourage and

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APPENDIX B

1 provide opportunities for the offender's self-improvement, rehabilitation, and reintegration back
2 into the community.

3 The maximum penalty for Criminal Mischief is a term not to exceed 10 years. A jury found
4 the Defendant guilty. The Defendant maintains that the display of the Ten Commandments on
5 Flathead County property is unlawful. Throughout this case the Defendant has filed various
6 motions and writs with the Supreme Court all of which have been denied. The Defendant has
7 responded to those denials by filing notices that the Montana Supreme Court's orders were invalid.
8 The Defendant refused to participate in the preparation of the presentence investigation report,
9 thereby leaving the court with no risk assessment addressing his needs and overall risk of
10 reoffending. On December 6, 2022, approximately two weeks before the Defendant's sentencing
11 hearing, he filed a Motion to Dismiss (doc. 257) that was divided into the following sections:

- 12 I. The Charging Information and Verdict are Disharmonious to Convict the Defendant
13 for Failure to State an Offense. *Mot. to Dismiss* at 1:20-22.
 - 14 II. Certain Justices of the Montana Supreme Court are Incompetent and Disqualified in
15 this Matter. *Id.* at 2:20-22.
 - 16 III. This Court Lacks jurisdiction and Proceeding in this Matter is a Criminal Offense
17 Against the Defendant. *Id.* at 3:19-20.
- 18 The motion, marked throughout by hostility towards the judiciary and judicial process, concludes
19 with the Defendant invoking his perceived right to arrest the Court and use any force necessary to
20 protect his person. Given Defendant's escalating behavior, placement with the Montana
21 Department of Corrections is appropriate to enable assessment of the Defendant with the goal of
22 meeting the Defendant's needs, reducing his risk of recidivism and keeping the public safe.

23 In consideration of the nature of the offense, prior criminal history, ability to maintain
24 employment and make payments toward the court-ordered financial obligations, and the
25 recommendations of the parties, and the Pre-Sentence Investigation prepared by Rae Baker of the
26 Adult Probation and Parole Office,

27 **IT IS THE JUDGMENT OF THE COURT** that Defendant be committed to the
28 **Department of Corrections** for a period of **five (5) years**.

As recommended conditions of probation, Defendant must comply with the following:

- 2
- 1 9. The Defendant must comply with all municipal, county, state, and federal laws and
2 ordinances and shall conduct himself/herself as a good citizen. The Defendant is required,
3 within 72 hours, to report any arrest or contact with law enforcement to his/her supervising
4 officer or designee. The Defendant must be cooperative and truthful in all communications
5 and dealings with any probation and parole officer and with any law enforcement agency.
 - 6 10. The Defendant is prohibited from using or possessing alcoholic beverages and illegal
7 drugs. The Defendant is required to submit to bodily fluid testing for drugs or alcohol on
8 a random or routine basis and without reasonable suspicion.
 - 9 11. The Defendant is prohibited from gambling.
 - 10 12. The Defendant shall pay all fines, fees, and restitution ordered by the sentencing court.
 - 11 13. The Defendant shall pay the following fees and/or charges: **Payment is to be made to**
12 **the Eleventh Judicial District, Flathead County, Montana, Clerk of Court, 920 South**
13 **Main, Suite 300, Kalspell, MT 59901.**
 - 14 a. Surcharge of \$15 for each misdemeanor. [§46-18-236(1)(a), MCA]
15 **Defendant to pay: \$0**
 - 16 b. Surcharge of the greater of \$20 or 10% of the fine for each felony offense. [§46-18-
17 236(1)(b), MCA]
18 **Defendant to pay: \$20**
 - 19 c. Surcharge for victim and witness advocate programs of \$50 for each misdemeanor or
20 felony charge under Title 45, Crimes; §61-8-401 (DUI); §61-8-406 (DUI-alcohol); or
21 §61-8-411 (DUI-delta-9-tetrahydrocannabinol). [§46-18-236(1)(c), MCA]
22 **Defendant to pay: \$50**
 - 23 d. \$10.00 for court information technology fee. (§3-1-317, MCA)
24 **Defendant to pay: \$10**
 - 25 e. The Defendant shall pay costs of legal fees and expenses defined in §25-10-201,
26 MCA, plus costs of jury service, prosecution, and pretrial, probation, or community
27 service supervision or \$100 per felony case or \$50 per misdemeanor case, whichever
28 is greater. (§46-18-232, MCA)
Defendant to pay: \$3,133.36
 - 14. Costs of assigned counsel: All payments for Public Defender fees assessed after July 1,
2017, can be made online at OPDfee.mt.gov, OR payments in the form of a money order,
certified check or cashier's check made payable to OPD can be mailed to the Office of the
State Public Defender, 17 W. Galena Street, Butte, MT 59701. The Defendant must
include the court case number and an address and phone number. (§46-8-113, MCA)

- 1 1. The Defendant shall be placed under the supervision of the Department of Corrections,
2 subject to all rules and regulations of Adult Probation & Parole.
- 3 2. The Defendant must obtain prior written approval from his/her supervising officer before
4 taking up residence in any location. The Defendant shall not change his/her place of
5 residence without first obtaining written permission from his/her supervising officer or
6 the officer's designee. The Defendant must make the residence open and available to an
7 officer for a home visit or for a search upon reasonable suspicion. The Defendant will not
8 own dangerous or vicious animals and will not use any device that would hinder an officer
9 from visiting or searching the residence.
- 10 3. The Defendant must obtain permission from his/her supervising officer or the officer's
11 designee before leaving his/her assigned district.
- 12 4. The Defendant must seek and maintain employment or maintain a program approved by
13 the Board of Pardons and Parole or the supervising officer. Unless otherwise directed by
14 his/her supervising officer, the Defendant must inform his/her employer and any other
15 person or entity, as determined by the supervising officer, of his/her status on probation,
16 parole, or other community supervision.
- 17 5. Unless otherwise directed, the Defendant must submit written monthly reports to his/her
18 supervising officer on forms provided by the probation and parole bureau. The Defendant
19 must personally contact his/her supervising officer or designee when directed by the
20 officer.
- 21 6. The Defendant is prohibited from using, owning, possessing, transferring, or controlling
22 any firearm, ammunition (including black powder), weapon, or chemical agent such as
23 oleoresin capsicum or pepper spray.
- 24 7. The Defendant must obtain permission from his/her supervising officer before engaging
25 in a business, purchasing real property, purchasing an automobile, or incurring a debt.
- 26 8. Upon reasonable suspicion that the Defendant has violated the conditions of supervision,
27 a probation and parole officer may search the person, vehicle, residence of the Defendant,
28 and the Defendant must submit to such search. A probation and parole officer may
authorize a law enforcement agency to conduct a search, provided the probation and parole
officer determines reasonable suspicion exists that the Defendant has violated the
conditions of supervision.

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- a. \$250 for one or more misdemeanor charges and no felony charges or \$800 for one or more felony charges.
 - b. offender shall pay costs incurred by the Office of Public Defender for providing counsel in the criminal trial.
Defendant to pay Public Defender fees of \$800 - Waive \$800 = \$0
15. The Defendant shall pay the following fees and/or charges: **Payment is to be made online at <https://svc.mt.gov/daa/opp/CORO offenderPay/cart> OR by submitting a money order or cashier's check to the Department of Corrections, Collections Unit, PO Box 201350, Helena, MT 59620.**
- c. The Probation & Parole Officer shall determine the amount of supervision fees (§46-23-1031, MCA) to be paid each month (\$50 per month if the Defendant is sentenced under §45-9-202, MCA, dangerous drug felony offense and placed on ISP). The DOC shall take a portion of the Defendant's inmate account if the Defendant is incarcerated.
 - d. A \$50 fee at the time a PSI report is completed, unless the court determines the Defendant is not able to pay the fee within a reasonable time (46-18-111, MCA). Please include your District Court case number & DOC offender ID #. **Defendant to pay \$50.**
- c. The Defendant shall pay court ordered restitution. Please include your District Court case number & DOC offender ID #. The Defendant shall be assessed a 10% administration fee on all restitution ordered. All of the methods for collection of restitution provided under 46-18-241 through 46-18-249, MCA, shall apply, including garnishment of wages and interception of state tax refunds. Pursuant to 46-18-244(6)(b), MCA, the Defendant shall sign a statement allowing any employer to garnish up to 25% of his/her wages. The Defendant shall continue to make monthly restitution payments until he/she has paid full restitution, even after incarceration or supervision has ended. **Restitution is owed as follows:**
- \$6,900.00**
Montana Association of Counties Property & Casualty Trust
Claim #: PRFL15035157
2717 Skyway Dr Ste A
Helena MT 59602
16. The Defendant, convicted of a felony offense, shall submit to DNA testing. (§44-6-103, MCA)
17. The Defendant shall not abscond from supervision. Absconding is a non-compliance violation as defined in §46-23-1001(1), MCA.

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- 18. The Defendant shall obtain a chemical dependency evaluation by a state-approved evaluator and follow all of the evaluator's treatment recommendations.
 - 19. The Defendant shall obtain a mental health evaluation/assessment by a state-approved evaluator and follow all of the evaluator's treatment recommendations.
 - 20. The Defendant shall not possess or use any electronic device or scanner capable of listening to law enforcement communications.
 - 21. The Defendant shall not enter any bars or casinos.
 - 22. The Defendant shall not knowingly associate with probationers, parolees, prison inmates, or persons in the custody of any law enforcement agency without prior approval from the Probation & Parole Officer outside a work, treatment, or self-help group setting. The Defendant shall not associate with persons as ordered by the court or BOPP.
 - 23. The Defendant shall comply with all sanctions given as a result of an intervention, on-site (preliminary), or disciplinary hearing.
 - 24. The PSI report shall be released by the Department to certain persons, such as treatment providers, mental health providers, and/or medical providers, as needed for the Defendant's rehabilitation.
- Defendant is to be given credit for seventeen (17) days served in custody pending final disposition in this matter.
- Defendant is given credit of eleven (11) months for time served on probation from November 23, 2020-October 21, 2021.
- Defendant is hereby advised that he has 120 days from the date of filing this Judgment and Sentence to contest any perceived differences between this written Judgment and the Court's oral pronouncement of sentence.
- Any bond posted in this matter is hereby exonerated.
- DONE IN OPEN COURT the 19th day of December, 2022.
- ELECTRONICALLY SIGNED AND DATED BELOW.

6

Electronically Signed By:
 Hon. Judge Heidi J. Ulbricht
 Wed, Dec 28 2022 12:31:40 PM

FILED
 3/19/2023
 Public Administrator
 Flathead County District Court
 STATE OF MONTANA
 By Stacy Boman
 CL-15-2020-0000027-AN
 Ulibarri, Heidi J
 274.00

Heidi J. Ulbricht
 District Judge, Department 3
 Flathead County Justice Center
 920 South Main Street, Suite 310
 Kalispell, MT 59901
 Telephone: (406) 758-5906

IN THE DISTRICT COURT OF THE ELEVENTH JUDICIAL DISTRICT OF THE STATE OF MONTANA, IN AND FOR THE COUNTY OF FLATHEAD

STATE OF MONTANA, Plaintiff,

Cause No. DC-20-2070

vs.

ANTHONY WEIMER, Defendant.

ORDER ON "MOTION TO STAY SENTENCE AND TO PAY FINES, COSTS AND FEES PENDING APPEAL"

A jury found Defendant guilty on August 24th and the Court sentenced him to the Department of Corrections for a period of five (5) years.

Defendant now moves to stay his sentence, fines, fees and costs asserting that he "will personally appeal" the matter but that the sentence, fines, fees and costs inhibit his ability to do so. His proposed order indicates that the motion is brought pursuant to § 46-20-204, MCA.

§ 46-20-204, MCA, is titled "Stay of execution and relief pending appeal" and provides:

- (1) If an appeal is taken, a sentence of death must be stayed by order of the trial court until final order by the supreme court.
- (2) If an appeal is taken and the defendant is admitted to bail, a sentence of imprisonment must be stayed by the trial court.
- (3) If an appeal is taken, a sentence to pay a fine or a fine and costs must be stayed by the trial court or by the reviewing court.
- (4) If an appeal is taken and the accused was admitted to probation, the accused shall remain on probation or post bail.

Defendant's motion indicates he has not filed an appeal but each of the above subsections is predicated on an appeal being taken. The motion is accordingly DENIED WITHOUT PREJUDICE.

ELECTRONICALLY SIGNED AND DATED BELOW.

cc: Stacy Boman, Attorney for the State
 Anthony Weimer, pro se C/O Department of Corrections

Electronically Signed By:
 Hon. Judge Heidi J. Ulbricht
 Fri, Jan 06 2023 09:59:58 AM

Anthony C. Weimer
 MCFE - DOC/MASC
 234 Millen Rd
 Missoula, MT 59801

INCARCERATED

CLERK OF DISTRICT COURT,
 2023 FEB 10 AM 11:37

FILED
 BY
 DEPUTY

ELEVENTH JUDICIAL DISTRICT COURT, FLATHEAD COUNTY, IN THE STATE OF MONTANA

STATE OF MONTANA
 Plaintiff

DC-20-207
 RENEWED MOTION TO STAY SENTENCE

ANTHONY CRAIG WEIMER
 Defendant

Defendant, Anthony Weimer, acting as his own attorney renews his motion for stay of sentence pending appeal. Per Court order the first motion to stay... was denied without prejudice on the basis that the motion did not indicate that an appeal was filed prior to the request. In *State v. Stripling*, 2019 P.3d 687, 2019 MT 363, 2019-0349, Mont. 4th Dist. 2019, Stripling Counsel moved the court to stay the... sentence pending appeal during the sentencing hearing. That court denied the motion and ordered Stripling taken immediately to the detention center following her commitment... sentence. However, the next day, on Stripling's renewed motion, the court ordered... stay of execution of her commitment pending appeal. Stripling then appealed the district court's judgment and sentence. Although it appears Stripling is not pro se, on an appeal being filed prior to motion to stay, I, the Defendant, has filed a notice of appeal in this matter pursuant to § 46-9-107, MCA, a defendant has a right to be admitted to bail pending appeal unless the court finds that he is likely to flee or that he poses a danger to the safety of any person or to the community. In *Maryguard v. Valdez*, (Mont. 2020) (quote) *Wier v. Lincoln City Sheriff's Dept.*, 378 Mont. 476, 476, 382 P.2d 1172 (1966). Defendant has appeared at every hearing for the last almost three years in this matter... and does not pose a flight risk. The court's rationale for a five (5) year DOC sentence was based off of the Defendant's previous arrest from his motion to dismiss. But, the motion was served on local and federal law enforcement. For this, there is no danger to the safety of any person or the community.

With the hearing, the defendant requests admittance to bail and release from his own recognizance pursuant to § 46-9-111, MCA.

Dated this 1st day of February, 2023

Anthony Weimer, Pro se

CERTIFICATE OF SERVICE
 I certify that true and accurate copies of the foregoing were served on the following:

Flathead County Attorney...
 230 S. Main St.
 Kalispell, MT 59901

Anthony Weimer, Pro se
 1/6/2023

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