

IN THE SUPREME COURT OF THE STATE OF MONTANA

No. DA 19-0471

STATE OF MONTANA,

Plaintiff and Appellee,

v.

CARESSA JILL HARDY, aka

GLENN LEE DIBLEY,

Defendant and Appellant.

**UNOPPOSED MOTION FOR EXTENSION OF TIME
WITH AFFIDAVIT IN SUPPORT**

COMES NOW, Tammy A. Hinderman Appellate Defender for the Appellate Defender Division, and respectfully requests an extension of time until January 3, 2022, in which to prepare, file, and serve the Appellant's opening brief in the above-entitled matter. This is Appellant's twelfth request for an extension. Appellant's opening brief was initially due December 31, 2020. Appellant's opening brief is presently due December 1, 2021. Appellant submits the attached affidavit in support of this motion.

Opposing counsel has been contacted and has no objection.

Respectfully submitted this 24th day of November, 2021.

OFFICE OF STATE PUBLIC DEFENDER
APPELLATE DEFENDER DIVISION
P.O. Box 200147
Helena, MT 59620-0147

By: /s/ Tammy A. Hinderman
TAMMY A. HINDERMAN
Assistant Appellate Defender

I, Tammy A. Hinderman, pursuant to M. R. App. P. 26(2) and Mont. Code Ann. § 1-1-203(1), declare:

1. I am a licensed, practicing attorney in the State of Montana. I am an Assistant Appellate Defender with the Appellate Defender Division of the Office of State Public Defender.

2. I have been assigned to represent Appellant in *State v. Hardy*, DA 19-0471.

3. Appellant's opening brief was initially due December 31, 2020. The opening brief is currently due December 1, 2021. This is Appellant's twelfth request for a 30-day extension of time to file the opening brief, but it is only my third request since being assigned this matter.

4. Since my last request for an extension, I filed the opening brief in *State v. Hamm*, DA 20-0166, a double homicide under the felony murder rule. I have also provided assistance with the upcoming oral argument in *State v. LaFournaise* and edited a number of briefs for other attorneys in the office.

5. In addition, I was out of the office from November 12, 2021, until November 22, 2021, for a scheduled vacation. However, I spent part of that vacation working on this case.

6. I am in substantial need of an extension. Appellant was convicted of two counts of deliberate homicide and two counts of solicitation to deliberate homicide involving different incidents. The record in this case is one of the most substantial records I have ever seen-over 10,000 pages in total. I have begun my review of the extensive record but need additional time to complete that review, identify and research potential issues, consult with my client, and draft the opening brief.

7. Appellant is currently incarcerated.

8. The State has been contacted and does not object to this extension request.

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

/s/ Tammy A. Hinderman
Tammy A. Hinderman

November 24, 2021
Date

CERTIFICATE OF SERVICE

I, Tammy Ann Hinderman, hereby certify that I have served true and accurate copies of the foregoing Motion - Unopposed to the following on 11-24-2021:

Kirsten H. Pabst (Govt Attorney)
200 W. Broadway
Missoula MT 59802
Representing: State of Montana
Service Method: eService

Austin Miles Knudsen (Govt Attorney)
215 N. Sanders
Helena MT 59620
Representing: State of Montana
Service Method: eService

Electronically signed by Kim Harrison on behalf of Tammy Ann Hinderman
Dated: 11-24-2021