

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 May 18, 2022, in which to prepare, file, and serve the Appellant's opening brief in the above-entitled matter. This is Appellant's seventeenth request for an extension. Appellant's opening brief was initially due December 31, 2020. Appellant's opening brief is presently due May 4, 2022. Appellant submits the attached affidavit in support of this motion.

Opposing counsel has been contacted and has no objection.

Respectfully submitted this 27th day of April, 2022.

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 May 4, 2022. This is Appellant's seventeenth request for an extension of time to file the opening brief, but it is my eighth request since being assigned this matter. I am requesting an extension of 14 days only.

4. Since my last extension request, I filed Appellant's Reply Brief in *State v. Hamm*, DA 20-0166.

5. I am in substantial need of a two-week extension. Appellant was convicted of two counts of deliberate homicide and two counts of solicitation to commit deliberate homicide involving different incidents. The opening brief is in the final editing stage. However, I am currently working with opposing counsel on a motion to supplement the record in

this case with missing evidence that was presented to the jury below.

In addition, I anticipate filing a motion for an overlength brief due to the size of the record and the complexity of the factual and legal issues in this case. Both of these motions, which should be filed on or before the current briefing deadline of May 4, will need to be resolved before the final brief can be filed. The purpose of the requested two-week extension is to allow for this Court's consideration of the anticipated motions.

6. Appellant is currently incarcerated.

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

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

/s/ Tammy A. Hinderman
Tammy A. Hinderman

April 27, 2022
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 04-27-2022:

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 Pamela S. Rossi on behalf of Tammy Ann Hinderman
Dated: 04-27-2022