

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 TO SUPPLEMENT THE RECORD

Pursuant to Mont. R. App. P. 8(6), Appellant Caressa Jill Hardy a/k/a Glenn Lee Dibley moves this Court for an order supplementing the record in this matter with a reproduction of the redacted electronic videorecording of the July 31, 2018, deposition of Teresa Gorka, which was played for the jury by stipulation and without objection during Appellant's trial. (*See* Tr. at 2317–18.)

Appellant's trial counsel and the prosecuting attorney below stipulated to the admission of the Gorka video deposition with certain redactions. Neither the unredacted nor the redacted version of the

video were transmitted with the record to this Court.¹ Upon inquiry, the clerk of district court informed the undersigned that she was unable to locate either version of the video. Although Appellant's trial counsel was able to locate a copy of the unredacted video, a copy of the redacted video could not be found. The undersigned, with the assistance of appellate counsel for the State and trial counsel for both parties, was able to determine what portions were redacted by stipulation and to redact the video to reflect what was played for the jury at trial. It is that reproduction of the redacted video that is being submitted herewith. Opposing counsel has had the opportunity to review the redacted video and has no objection to supplementing the record with it.

Respectfully submitted this 2nd day of May, 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

¹ The unredacted transcript of the deposition was made part of the court record below and transmitted with the record on appeal to this Court. (D.C. Doc. 125.) The transcript, however, was not submitted to the jury in either redacted or unredacted form.

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 05-02-2022:

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: 05-02-2022