

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 LEAVE TO FILE AN
OVER-LENGTH REPLY BRIEF
AND DECLARATION IN SUPPORT**

Pursuant to Mont. R. App. P. 12(1) and in compliance with Mont. R. App. P. 16, Appellant Caressa Jill Hardy a/k/a Glenn Lee Dibley moves this Court for leave to file an over-length Appellant's reply brief. Appellant requests leave to file a brief of no more than 7,500 words.

"Motions to file over-length briefs . . . will not be routinely granted." Mont. R. App. P. 12(10). This case is not a routine case. Glenn's jury trial lasted nine days. He was convicted of two counts of deliberate homicide that allegedly occurred in 2013. The alleged victims' bodies were never found. He was also convicted of two counts of

solicitation to deliberate homicide involving two separate incidents that allegedly occurred while he was incarcerated pretrial on the homicide charges. Glenn raised four issues on appeal. This Court previously granted the parties permission to file overlength principal briefs of just under 17,000 words each.

In normal circumstances, the length of a reply brief is limited to half the number of words allowed in the principal briefs (5,000 words vs. 10,000 words). *See* Mont. R. App. P. 11(4)(a). Glenn is requesting not more than 7,500 words to respond to the matters raised in the State's response brief—less than half the number of words in the parties' principal briefs. Although the undersigned attempted to respond to the matters raised in the State's response brief in less than 5,000 words, she has been unable to do so. The undersigned has and will continue to edit and reduce the length of the reply brief further. However, given the serious nature of the charges and the life sentences imposed here, the size of the record, and the novelty and complexity of the issues presented and the defenses raised by the State, the undersigned does not believe she can adequately respond to the matters

raised in the State's response in less words without impairing Glenn's right to effective assistance of counsel on appeal.

Opposing counsel has been contacted concerning this motion and does not object.

Respectfully submitted this 10th day of November, 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. I have and will continue to work diligently to respond to the matters raised in the State's nearly 17,000-word response brief in a concise manner and to reduce the length of the reply brief. I cannot adequately brief the factual and legal disputes in this appeal for resolution by this Court within the normal 5,000-word limit applicable to reply briefs without sacrificing the quality of the assistance of counsel to which my client is entitled on appeal. I believe I can do so within the requested word limit of 7,500 words, which is less than half the number of words in the principal briefs in this case.

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

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

/s/ Tammy A. Hinderman
Tammy A. Hinderman

November 10, 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 11-10-2022:

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

Mardell Lynn Ployhar (Govt Attorney)
215 N. Sanders
Helena MT 59620-1401
Representing: State of Montana
Service Method: eService

Electronically signed by Pamela S. Rossi on behalf of Tammy Ann Hinderman
Dated: 11-10-2022