



ORIGINAL

FILED

03/06/2023

Bowen Greenwood
CLERK OF THE SUPREME COURT
STATE OF MONTANA

Case Number: DA 23-0152

ADDENDUM TO ESTATE'S NOTICE OF APPEAL

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MAR 06 2023

Bowen Greenwood
Clerk of Supreme Court
State of Montana

Appellant Joseph J. Friese ("Friese"), pro se Representative for The Estate of Gary Joseph Friese ("The Estate"), is filing this Notice of Appeal while incarcerated on a collateral matter at Cascade County Detention Center in Great Falls, Montana.

Friese would have it noted on appeal all of the ongoing issues he has had to overcome during this case. Being incarcerated, he desperately needs assignment of counsel to handle the complicated nature of what this case has become.

Additionally, Friese's extraordinary circumstances prove the exception to Rule 8 (3) via Rule 8 (5), which would show a need for an Order from the Supreme Court requiring transcripts at the state's expense, as Friese has no viable alternative to cover these costs nor a way to produce copies of any documents while incarcerated in a facility that does not allow any type of machine copying/printing. Friese is in a "catch-22" situation, where the transcripts themselves will contain evidence showing his extraordinary circumstances in

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this case.

This civil matter has been plagued with unfortunate, unforeseen obstacles since Friese was unexpectedly detained beginning in August of 2022. Not only did Friese experience facility-caused mail delays and mail not being given to him at all (noted issues at Cascade County Detention Center in June 2022 hearing, State v. Kristoffer Carlin, and November 2022 hearing, State v. Erick Holloway), and lack of available court filing services (paper, envelopes, expertise, typing/copying equipment, sufficient law library, etc.); Friese also had a virtual communication blackout for periods of time with the Court, attorney of record for The Estate at the time (Trevor Carlson), and all family members that would be able to assist with or provide statements in the case.

The majority of the obstacles, including known issues with the effectiveness and sudden withdrawal of The Estate's counsel, Trevor Carlson, are well documented in the Court. Friese's letter to the District Court (sent to the Court on December 5, 2022 but filed by the Court on December 9, 2022), Friese's

Cascade County attorney Meghan Sutton's email to the Clerk of Court in this matter (December 14, 2022), Friese's Motion to Continue (December 29, 2022), yet another letter to the District Court from Friese (January 10, 2023), as well as Friese's Motion to Reconsider or Vacate Summary Judgment (January 18, 2023) and Supplement to Motion to Reconsider or Vacate Summary Judgment (January 18, 2023), help trace the timeline of obstacles Friese has endured.

Finally, Friese requests this Court take note that the District Court mistakenly dated most of Friese's correspondence with that Court (letters, motions, etc.). Due to his incarcerated status, correspondence should be deemed "filed" with the Court as of the date noted on the document itself. Facility officers are essentially officers of the Court; lacking any notation of receipt date by the officer, the date within the document itself should be deemed the date filed. This would be determined by this Court's review of the District Court transcripts.

For the reasons listed in this addendum

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and verified throughout the transcripts of record in the District Court, Friese and The Estate respectfully submit the Notice of Appeal this 27th day of February, 2023.

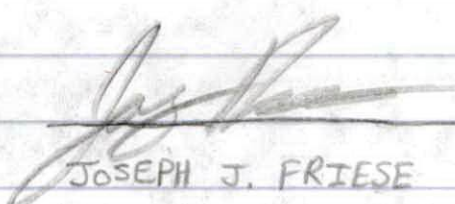
CERTIFICATE OF SERVICE

I hereby certify that a true and accurate copy of this document was served via US Mail to the following:

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