

 ORIGINAL

FILED

03/08/2024

Bowen Greenwood
CLERK OF THE SUPREME COURT
STATE OF MONTANA

Case Number: DA 23-0456

IN THE SUPREME COURT OF THE STATE OF MONTANA

DA 23-0456

STATE OF MONTANA,

Plaintiff and Appellee,

v.

ORDER

ANTHONY SCOTT CHARLIE,

Defendant and Appellant.

FILED

MAR - 8 2024

Bowen Greenwood
Clerk of Supreme Court
State of Montana

This appeal is before this Court because self-represented Appellant Anthony Scott Charlie has not filed his opening brief, as directed in a February 6, 2024 Order, giving him an additional thirty days until March 5, 2024. This Court observes that on February 20, 2024 Charlie filed two Notices—Credible Information and Incomplete Transcripts. Charlie explains that he has not been provided the complete transcript as requested when he commenced this appeal on August 21, 2023, including a Notice of Transcripts Deemed Necessary along with his Notice of Appeal. He states that he is currently placed in the Dawson County Correctional Facility in Glasgow, Montana, and that he does not have “legal law library on the Tablets which then makes it almost impossible to do any legal [r]esearch . . .” for this direct appeal.

Charlie appeals a jury verdict of two misdemeanor and two felony convictions of indecent exposure in the Fourth Judicial District Court, Missoula County. The court amended the written August 29, 2023 Judgment twice. Charlie is serving concurrent prison terms of ten years with five years suspended.

This Court further observes that the office for the Clerk of the Supreme Court filed an electronic transcript of the jury trial on December 5, 2023, after the Court Reporter received additional time to prepare transcripts. There appear to be no transcripts for the sentencing hearing or any other hearing included in this Court’s docket.

Charlie initiated this appeal on his own behalf and has informed this Court that the record is incomplete. He has recent convictions and sentences. Charlie may be entitled to appointment of counsel to assist with the transcript production and to represent him on appeal. Section 46-8-103(1), MCA. Therefore,

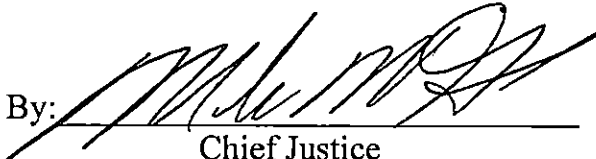
IT IS ORDERED that:

1. *sua sponte* appellate counsel from the Appellate Defender Division is APPOINTED to represent Anthony Scott Charlie in this appeal. The Appellate Defender Division shall have thirty days from the date of this Order within which to file either a Notice of Appearance or a Motion to Rescind this Order appointing counsel. The Appellate Defender Division shall order any other necessary transcripts; and
2. the February 6, 2024 Order is VACATED, nullifying the briefing schedule. After the above Notice or Motion to Rescind is filed and upon receipt of the complete transcripts for appeal, the briefing schedule will resume, pursuant to the Montana Rules of Appellate Procedure.

The Clerk of the Supreme Court is directed to provide a copy of this Order to: the Appellate Defender Division, counsel of record, and Anthony Scott Charlie personally.

DATED this 8th day of March, 2024.

For the Court,

By: 
Chief Justice