

IN THE SUPREME COURT OF THE STATE OF MONTANA

DA 24-0464

FILED

SEP 27 2024

Bowen Greenwood
Clerk of Supreme Court
State of Montana

STATE OF MONTANA,
Plaintiff & Appellee,

v.

BRANDON BAGWELL,
Defendant & Appellant,

Defendant Appellant's
BRIEF and

Supporting
Exhibits: A, B, C, D, E

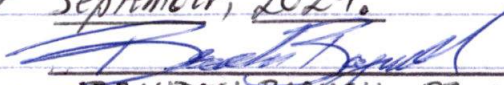
RE: Lake County DC-15-355

Brandon Bagnell Appeals "Order Denying Defendant's Motion For A New Trial" issued July 23, 2024 by D.C. Judge Owen in Lake Co. DC-15-355. Bagnell filed Brief 1-12-24 DOC#152 (see Register EX-B) and requested Court appointed Counsel and a evidentiary hearing/investigation (see DOC#152 pg 7 Ex-C & DOC#152 pg 14 Ex-D) to determine structural error in records/process, a Constitutional violation? January 18, 2024 a "Addendum to brief" was filed for motion of subpoena and discovery of records (see DOC#153, EX-E) of Court clerk and sheriff's jury panel records for the year and trial. These requests were filed BEFORE the State's 1-29-24 response DOC#155 and before Defendant's reply DOC#156 filed 2-9-24 REPEATING requests for Counsel, discovery, and evidentiary hearing.

BRIEF

Bagnell herein adopts the included Exhibit 'A' Brief of Duane Angelo Burchill submitted in Montana Supreme Court DA-24-0345 as Bagnell's Brief and supporting caselaw in support here. Bagnell has Constitutional right to discovery/access to jury panel records. It's impossible to provide the Court "a showing" (proof) of non-compliance with § 3-15-405, MCA as long as the Court denies access to clerk's records which amounts to "the Fox guarding the hen house" and is a prejudice denial. The July 23, 2024 District Court Order wrongly claims and denies motions/requests for Counsel, discovery, and evidentiary hearing on basis of orders last sentence quote: "those are denied because the Defendant first raised these requests in this reply;" the claim by Court is incorrect, fact is requests were made in original brief DOC#152 and Addendum DOC#153 mentioned above both BEFORE State's response and Bagnell's REPLY. Bagnell should receive discovery and evidentiary hearing with assistance of Court appointed counsel.

Respectfully submitted this 24th Day of September, 2024.


BRANDON BAGWELL - PRO-SE Appellant

CERTIFICATE OF SERVICE

The below signature certifies that a copy of the foregoing document & exhibits were placed in the possession of prison staff to be placed in U.S. Mail postage pre-paid upon the below date to the below listed parties which is: Defendant Appellant's Brief with Exhibits A, B, C, D, E filed into Montana Supreme Court.

ORIGINAL: Clerk of the Supreme Court, State of Montana
P.O. Box 203003
Helena, Montana 59620-3003

COPYS:

Lake County Attorney
106 4th Ave E.
Polson, MT 59860

COPYS:

MONTANA ATTORNEY GENERAL
215 N. Sanders
P.O. Box 201401
Helena, MT 59620-1401

DATE: 9-24-24


Brandon Bagnell