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IN THE SUPREME COURT OF THE STATE OF MONTANA

Cause No. DA 24-0732

KATIE IRENE GARDING,

Defendant and
Appellant,

v.

STATE OF MONTANA,

Plaintiff and Appellee.

**APPELLANT'S NOTICE OF
SUPPLEMENTATION AND
MOTION TO EXPEDITE
BRIEFING ON APPELLANT'S
MOTION TO STAY ORDER
PENDING APPEAL**

Pursuant to Mont. R. App. P. 16, Appellant Katie Irene Garding moves this Court to expedite briefing on her now pending Motion to Stay Order Pending

Appeal, filed January 14, 2025. Garding also provides supplemental information relevant to that motion for this Courts review. *See* Supplemental Appendix at 1–12. The State opposes this Motion.

On January 14, 2025, Garding moved this Court to stay the order entered by the Montana Fourth Judicial District Court on December 16, 2024. In part, that Order directed the Montana Department of Corrections to resume custody of Garding. But, as of January 14, 2025, Garding had not yet been informed of her parole restrictions. To ensure the record before this Court is accurate, Garding provides copies of the attached Conditions of Probation and Parole, and related documents, executed earlier today, January 15, 2025. Supp. App. 1–9. Garding has now been informed of her parole conditions and is under the supervision of the Montana Department of Corrections. *Id.* As explained in the motion to stay, this restriction on Garding’s liberty has been imposed in violation of her constitutional rights and without legal authority.

Garding moves this Court to expedite briefing on the currently pending Motion to Stay Order Pending Appeal to mitigate the harm she has now suffered by being placed under state supervision. *See* Supp. App. 1–10. Garding’s current parole conditions are different, and more restrictive now, than those she was under when first released on parole on February 2, 2022. *Compare* App. 27–28 *with* Supp. App. 1–2. For example, Garding is subject to the following new restrictions:

she must participate in mental health counseling; she must obtain and pay for a chemical dependency evaluation; she must abide by a curfew as determined by her parole officer; and, she must not operate a motor vehicle unless authorized by her parole officer and unless her vehicle is equipped with an “ignition interlock system.” Supp. App. 1–2. Garding appears to not qualify for the “ignition interlock system” for 180 days from the start of the supervision period. Supp. App. 10–13. In other words, functionally, Garding’s parole conditions remove her ability to drive for the next approximately six months.

The harm that Garding seeks to remedy through this appeal is now occurring. And, if the Motion to Stay Pending Appeal is not granted, she will be deprived of her liberty until this Court reaches the merits of the appeal. Garding has been diligent in attempting to prevent that harm: Garding filed her motion to stay in the District Court the day after the challenged order was entered and filed her motion to stay in this Court the day after the District Court denied that motion.

Expediting the briefing schedule of Garding’s Motion to Stay Order Pending Appeal will allow this harm to be minimized to the extent possible pending this Court’s review of the merits of this appeal.

REQUEST FOR RELIEF

The State’s response to Garding’s Motion to Stay Order Pending Appeal is currently due on January 27, 2025. Mont. R. App. P. 16(2). Garding respectfully

requests this Court enter an expedited briefing schedule on her now pending Motion to Stay Pending Appeal and order that the State's response brief, if any, be due on Monday, January 20, 2025.

DATED this 15th day of January, 2025.

CROWLEY FLECK PLLP

By s/ E. Lars Phillips

E. Lars Phillips

Counsel for Garding

CERTIFICATE OF COMPLIANCE

Pursuant to Mont. R. App. P. 16(3), I hereby certify that the foregoing Motion is less than 1,250 words as calculated by Microsoft Word.

DATED this 15th day of January, 2025.

CROWLEY FLECK PLLP

By s/ E. Lars Phillips

E. Lars Phillips

Counsel for Garding

CERTIFICATE OF SERVICE

I hereby certify that I have filed a true and correct copy of the foregoing Motion with the Clerk of the Montana Supreme Court; and that I have served true and correct copies of the foregoing Motion upon each attorney of record via e-service.

DATED this 15th day of January, 2025.

CROWLEY FLECK PLLP

By s/ E. Lars Phillips

E. Lars Phillips

Counsel for Garding

CERTIFICATE OF SERVICE

I, E. Lars Phillips, hereby certify that I have served true and accurate copies of the foregoing Motion - Opposed to the following on 01-15-2025:

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Electronically Signed By: E. Lars Phillips
Dated: 01-15-2025