

ORIGINAL

FILED

06/16/2025

Bowen Greenwood
CLERK OF THE SUPREME COURT
STATE OF MONTANA

Case Number: DA 25-0323

IN THE SUPREME COURT OF THE STATE OF MONTANA
Cause No. DA 25-0323

KEVIN A. BRIGGS,
Petitioner and Appellant,
vs.
THE STATE OF MONTANA,
Respondent and Appellee.

FILED
JUN 16 2025
Bowen Greenwood
Clerk of Supreme Court
State of Montana

APPELLANT'S SECOND NOTICE OF SUPPLEMENTAL AUTHORITY

Pursuant to M. R. App. P. 12(6), Appellant Kevin A. Briggs, pro se, hereby files this Notice of Supplemental Authority.

On p. 14 of Appellant's Opening Brief, Kevin argued that his former attorneys "used Kevin's lack of actual counsel to materially mislead the withdrawal court" by falsely representing to the Court that attorney L. Sanford Selvey II represented Kevin as "substitute counsel" who intended to represent Kevin after their withdrawal. Id., citing Exhibit 2, pp. 122-23; see also Exhibit 2, p. 29.

At the time Kevin authored his Opening Brief, a transcript of his PCR Evidentiary Hearing had not yet been made available to support Kevin's position that former counsel's representations were false. Transcripts are now available.

In relevant part, attorney Herman A. "Chuck" Watson III had the following conversation with Judge John Brown at his January 26, 2015 withdrawal hearing:

MR. WATSON: Your Honor, Mr. Selvey told me that he and Mr. Briggs' grandmother have arranged for his representation of Mr. Briggs and I'm surprised that Mr. Briggs is not aware of that.

THE COURT: Oh, well, I guess, Mr. Briggs, I don't know anything. It sounds like Mr. Selvey is going to come represent you....

Exhibit 2, pp. 122-23.

According to Mr. Selvey's testimony at Kevin's evidentiary hearing, Watson's testimony before Judge Brown was not an accurate statement. Specifically, the following exchange took place between Kevin's attorney Ben Darrow and Mr. Selvey:

Q. You reviewed [the withdrawal hearing] transcript. And in that transcript, you're described as substitute counsel for Mr. Briggs; is that accurate?

A. No. When you sent me that transcript and I reviewed it, I was a little surprised to see that it was represented to the Court that I would be substitute counsel. I certainly — I never intended to be substitute counsel. [Kevin's grandmother] Winnie never asked me to be substitute counsel. Kevin never asked me to be substitute counsel. He just wanted to go to trial.

Evidentiary Hearing Transcript; Day 2, pp. 141-142. This point was reiterated several times throughout the course of the hearing. See, e.g., id., pp. 151-152:

A. No, no. I'm telling you, I had no intention to be substitute counsel. The first I heard that I was going to be substitute counsel is when I read the transcript when Kevin's present attorney sent it to me. And when I read that, I go, that's just not correct. And I'll repeat myself again, but this could have been a whole lot easier, I suppose, if in fact anyone had agreed, including me, to be substitute counsel.

Watson initially claimed that he believed in 2015 that Selvey was scheduled to replace him as substitute counsel:

Q. Okay. And so, here, you tell the Court that "Substitute counsel was notified of this hearing personally by me and my investigator on Friday." Is that that you notified Mr. Selvey of this hearing?

...

A. Okay. I made that statement. It was either true at the time or I believed that it was true.

Id., pp. 169-70. However, Watson subsequently changed his position:

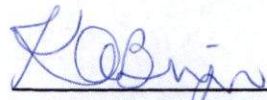
A. I never thought that [Selvey] was going to substitute in as counsel for Mr. Briggs.

Id., p. 170.

The above exchanges (and other portions of the evidentiary hearing transcript) are relevant to Kevin's argument that his former attorneys "presented false information in order to obtain leave to withdraw[.]" Opening Brief, p. 28.

The lower court did not make any factual findings that supported either Selvey or Watson, et al.,'s version of events. Opening Brief, Exhibit 1, passim. It also did not, to the knowledge of undersigned, make any report(s) therefrom pursuant to M. R. Prof. Cond. 8.3(a).

Respectfully submitted this 14th day of June, 2025.



Kevin A. Briggs
Appellant, pro se

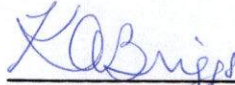
CERTIFICATE OF SERVICE

I hereby certify that on the date below, I sent a true and accurate copy of the foregoing APPELLANT'S SECOND NOTICE OF SUPPLEMENTAL AUTHORITY to opposing counsel, addressed as follows, on the date below:

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Dated this 11th day of June, 2025.



Kevin A. Briggs
Appellant, pro se