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IN THE SUPREME COURT OF THE STATE OF MONTANA

No. OP 26-0036

STERLING GLENN BROWN,

Petitioner,

v.

MONTANA SEVENTH JUDICIAL DISTRICT
COURT, PRAIRIE COUNTY, THE
HONORABLE JESSICA T. FEHR,

Respondent.

**STATE'S RESPONSE TO PETITION FOR
WRIT OF SUPERVISORY CONTROL**

The State of Montana responds to Sterling Glenn Brown's supervisory control petition.

FACTS PRESENTED

I. Background

On January 23, 2023, Brown traveled from South Dakota to Fallon, Montana, in Prairie County—with his now-convicted accomplice Jake Burghduff (*see* DA 23-0732)—and allegedly killed his wife’s ex-husband, Isaac Carrier.

Brown allegedly entered Carrier’s apartment late at night, killed Carrier by shooting him in the head, doused him with gasoline, and set the four-plex on fire from several areas of Carrier’s apartment—while three other apartment residents were in the building. (Ex. 5 at 1-6.) The State charged Brown with deliberate homicide, arson, and three counts of criminal endangerment. (Ex. 6.)

In 2023, Brown’s defense team were Lance Jasper and Jordan Kilby. (Ex. E-Evidentiary Hr’g Tr. 874 (hereafter “Tr.”).) The prosecution was Prairie County Attorney Daniel Rice along with Assistant Attorneys Generals (AAGs) Daniel Guzinski, Meghann Paddock, and Mike Gee. The investigators were DCI Agent Bradley Tucker, Prairie County Sheriff Keifer Lewis and Deputy Sheriff Jason Grey Eagle. (Ex. 5 at 1; Tr. 859-62.) Agent Tucker conducted interviews while the sheriff’s office reviewed jail calls. (Tr. 859-62.)

On February 14, 2023, Brown was placed at Dawson County Correctional Facility (DCCF), where he remained until November 15, 2023. (Ex. 19 at 2; Ex. 7.) DCCF is not involved in Brown’s criminal investigation. (Tr. 342.)

II. DCCF policies

DCCF inmates are instructed to follow the handbook, which was in Brown's pod and loaded onto tablets. (Tr. 77-78, 616, 828.) The handbook describes mail procedures, further explained below. (Ex. H at 4.) It informs that phone calls are recorded and monitored. (*Id.* at 6.) Inmates must submit a kite with attorney contact information for a private uncharged call on an unrecorded line. Unrecorded calls occur in private rooms or visitation booths. (Ex. H at 6; Tr. 79, 144-45, 206.) Alternatively, defense counsel must register their phone number with DCCF to block it from being accessed or recorded on the application IC Solutions (ICS). (Tr. 84-85, 205-06, 608-11.) If counsel fails to do so and uses the ICS recorded line, "one of the first things it says when you make a call" is the call is being recorded and the inmate will be charged. (Tr. 79, 85, 510, 607, 830.)

III. Inadvertent interception by prosecution team investigators

Agent Tucker instructed Sheriff Lewis to listen to Brown's jail calls to his family and friends. (Tr. 319, 652.) On February 15, 2023, Sheriff Lewis—expecting all attorney/client calls would be blocked—heard a call with Brown possibly saying "Jasper's name[.]" He immediately stopped listening and "disconnected the phone." He Googled the number, determined it was Jasper's office line, and notified the prosecutors. As an external user of ICS unable to

block the number himself, Sheriff Lewis requested DCCF block Jasper's number, which reportedly did not occur because the defense team failed to register their number with DCCF. He did not recall any content. (Tr. 325-34, 349.) Soon thereafter, the prosecutors and Sheriff Lewis personally met with Jasper, informed him of the situation, and advised him to register his number with DCCF. (Ex. 12.)

In August 2023—while Deputy Grey Eagle had previously flagged Jasper's office number and never clicked on that number—Brown and Jasper started communicating through Jasper's cell phone, a number unknown to Deputy Grey Eagle. (Tr. 466-67; Ex. M at 4.) Like Sheriff Lewis's inadvertent interception, Deputy Grey Eagle was listening to a call and heard the receiving party identify as Brown's attorney and "immediately ended the call" and reported the incident and phone number to Sheriff Lewis. (Tr. 467; Ex. M at 4-5.) He heard no substantive information. (Tr. 468; Ex. M at 5.) He was later shown a redacted transcript of a call that began with a person saying they were an attorney and did not want the call to be recorded. He agreed the transcript was consistent with what he heard when he immediately ended the call. (Tr. 472.)

IV. DCCF mail opening

On March 7, 2023, Brown gave DCCF Corporal Paul Ellerton a letter for Jasper. However, Brown failed to comply with DCCF policy to write his "full

name, [jail] #, and facilities return address” and “Legal Mail” on the envelope. In turn, while Ellerton properly ensured the mail had no contraband, then sealed and marked the envelope as inspected and forwarded it to the mail room, he neglected to inform Brown to write that required information. (Tr. 60-63, 86, 102, 149, 612; Ex. H at 4; Ex. 20 at 5.)

Later, DCCF Sergeant Brashdon Miller opened two of five envelopes to Jasper. Miller only opened the envelopes because there was no inmate name on them and he needed to see who was sending the letter to log the entry to comply with policy. (Tr. 83-84, 169, 184, 137.) Miller visually scanned a letter, looking for a signature or name, without reading the contents. (Tr. 174-77, 181.) He attached a note for Mail Officer Kaye Nichols, explaining:

Nichols, we opened these two envelopes to see whose they are.
But we were unable to plus didn't want open them all. [signature].
Ellerton says they are Brown in County A.

(Tr. 63-64; Ex. D at 2.) He never read the letters' contents or knew what the letters said, nor did he discuss the letters with anyone. (Tr. 181.)

Mail Officer Nichols: (1) discovered the opened mail and note; (2) sealed the mail; (3) informed Brown the mail had been opened because he violated policy; (4) informed DCCF Captain Desirae Rilley of the incident and explained that the verbal directive for legal mail is to proceed with caution; and (5) drafted an

incident report. (Tr. 114-19, 776; Ex. I.) Miller was not disciplined because it was Brown who failed to properly mark his mail. (Tr. 111, 137-39.)

Nobody involved read the letters' contents or were aware of any information being shared with anyone. (Tr. 121, 143, 146, 149-51, 181-85, 618, 777-78, 867.)

V. Number registration communication

After Sheriff Lewis's inadvertent interception, he immediately instructed Jasper to "contact [DCCF]" and provide his number to "lock that down" as a private number. (Ex. 19 at 5-6; Ex. 12 at 7.)

Three weeks later, defense counsel Kilby emailed AAG Gee about the mail incident. Gee responded, "I'm told [DCCF] apparently requires you to call 377-1640 to 'register' your phone numbers as attorney numbers." Kilby replied:

I am calling right now to register our number! I realize it's after five so might not have a lot of luck (in fact, I didn't. The line went dead)—so we'll take care of that tomorrow.

Gee responded, "Let me know if you have any difficulty with the jail, and I'll see what I can do." (Ex. 4.) Kilby "did not[]" call DCCF the next morning. (Tr. 885.)

For reasons apparent below, DCCF would have no record or recollection of any defense request to block their numbers. (Ex. 19 at 19, 44.)

VI. ICS recorded calls

Jasper and Brown continued communicating on the recorded ICS line from March to November 2023. Every call verbally warns it is recorded and the inmate will be charged. (Tr. 510.) Brown called Jasper's office 62 times and Jasper's cell 45 times. (Tr. 686; Ex. 21.) Brown never complained about recorded calls. (Tr. 607, 616-17, 833-36.) As Jasper later claimed, after the "mail issue[.]" in early March 2023, he and Brown talked only in generalities, "not giving anything, uh specific[.]" (Ex. 13 at 9-10; Tr. 700; Ex. 19 at 9.)

DCCF staff listen to ICS calls for inmate safety and contraband interception. (Tr. 202, 242-43.) Other relevant agencies also have access to ICS. (Tr. 192-96, 506, 634-36.) Twenty calls were clicked on with portions listened to by 11 different users, with various listen times. (Tr. 845.) Excluding Sheriff Lewis and Deputy Grey Eagle, the other listeners were not involved in the investigation against Brown. (Ex. B2 at 41.) Agent Tucker nonetheless interviewed anyone who listened to any portion of attorney/client calls, without ever listening to any calls himself and without ever soliciting any attorney/client information. (Tr. 693, 697.) No individual interviewed had any substantive recollection of the calls'

contents, (Ex. 19 at 36-40), nor had they discussed or heard anyone discuss any content. (*Id.* at 43; *see id.* at 24-32 (interviews).)¹

Agent Tucker’s investigation concluded—and Brown conceded (Tr. 952)—there was no indication that anyone who accessed privileged calls shared any information from those calls. (Tr. 867; *see* Tr. 618, 665, 797-98.)

VII. Further number registration communication

On November 13, 2023, Brown first claimed attorney/client violations. The State—unaware of any “issues beyond the first instance” of Sheriff Lewis’s February interception (Ex. B2 at 3-4)—explained it was taking the allegations seriously and immediately started an investigation. (Ex. B4 at 5.) The State moved to preserve and seal all jail calls and to prohibit law enforcement from relaying constitutionally protected activity, which was granted. (Exs. 8, 9.)

On November 16, 2023, the court ordered the defense to provide DCCF with their numbers. (Ex. 9.) The defense would fail to document any compliance with that order until mid-2025. (Tr. 871, defense submission of Doc. 356.)

¹ *See also* Tr. 634-36, 639 (while tracking a probation offender, P&P Supervisor Tara Zody listened to a call but had no recollection); 707-09 (DCINarcotics Agent Miles Baisch listens to calls for narcotics investigations but did not recall Brown’s call); 782-83 (DCCF Captain Riley heard someone identify as an attorney in one call, closed out and made note).

In a November 29, 2023 interview with Agent Tucker, Jasper nonetheless alleged: “That [phone registration] was done by [his secretary] Tami [Espinoza][.]” (Ex. 13 at 7; Tr. 690.) Jasper said “she” spoke to “a male[.]” (Ex. 13 at 8.) When asked what “steps that you took to . . . to make sure your phone numbers” were registered, Jasper responded:

I don’t know what else you do other than talk to uh, you know, Dan and Mike Gee and tell them of the problems and then when they tell you the problems but I did a . . . a great deal of shit to do it.

(*Id.* at 18.) Jasper continued:

why I don’t do it [. . .] do you tell somebody that . . . you’re investigating them all the time. No, you give em rope to hang themselves . . . on it.

(*Id.* at 18; Tr. 219-24.)

In December 2023, Agent Tucker emailed Jasper:

I would like to interview your legal assistant Tami Espinoza regarding her phone call(s) to DCCF to have the numbers blocked. A phone interview will be sufficient, just let me know a date and time that works.

Jasper responded, amidst lodging other protestations, “If you want an affidavit Tami completed this I am happy to do so.” Agent Tucker requested details like time, date, outgoing number, and summary. Jasper responded:

Don’t think you can jack me around.[. . .] never question my integrity before you have the evidence. You will have our affidavit tomorrow.

Last, you are fair game, something I didn't want to happen. Hoped you would consult someone with your interests in mind. Lance.

(Ex. 17.)

Agent Tucker never received Tami's affidavit and thus could not confirm any defense number registration attempt at DCCF. (Tr. 697-98.) Jasper would later admit he did not allow Tami to be interviewed, and he refused Agent Tucker's request to fill out a form to register his numbers with DCCF in December 2023, (Tr. 403, 438-40)—a request intended to retroactively block defense numbers on ICS so nobody could access attorney/client calls. (Tr. 703.)

Agent Tucker reasoned, given Jasper's interview responses, "no indication" existed that Jasper himself "participated" in Tami's call. (Tr. 690.) But at the 2025 evidentiary hearing, Jasper instead testified: "Tami and I did it together to get it done." (Tr. 394.) The call was reportedly "not on the phone records 'cause it was done on my cellphone." (Tr. 436.) When asked who called DCCF, Jasper responded, "It was a combination because I always have Tami with me" He said, "Tami is my right hand and left and a memory doesn't forget." Jasper did not remember where the call occurred, the person he talked to, what time of day it was, or the jail person's rank. (Tr. 957-59.)

The district court observed in its order that Tami did not testify "despite being physically present during all four days of hearings." (Ex. B4 at 5.)

V. Allegations of misconduct

Jasper claimed information regarding Brown having been allegedly abused as a child could have only been discovered through intercepted attorney/client communications. (Tr. 653.) However—prior to Brown being placed at DCCF—on February 8, 2023, Sheriff Wyatt Sabo in South Dakota told Agent Tucker that Brown had disclosed to him about the prior alleged abuse. (Tr. 657-58; Ex. 10, attachment; Ex. 18.) Sheriff Lewis also heard the allegation from Sheriff Sabo on February 13, 2023. (Tr. 711; Ex. 10.) These exchanges were corroborated by investigative requests to CPS in South Dakota. (Tr. 658-66; Exs. 2-3.) Brown himself discussed the same allegations to his wife on non-privileged jail calls at DCCF. (Tr. 712; Ex. 10, attachment.)

Jasper next alleged a March 9, 2023 notation created by Captain Rilley next to a jail call saying “Trent broke [Brown’s] jaw, not horse[.]” must have come from inappropriately monitored attorney/client calls. But that referenced call was not even an attorney/client call, and the receiver was checked in as “family.” (Tr. 422, 787.) Captain Rilley flagged the call statement as inconsistent with the reason Brown gave for his jaw injury upon jail intake. (*Id.* at 787.) Brown provided Trent Gress’s name during an interview on January 31, 2023. (Tr. 714.) Agent Tucker interviewed Trent on February 14, 2023, whereupon Trent disclosed he broke Brown’s jaw, “and that wasn’t a horse.” (Tr. 715; Ex. 1 at 29.) While

Agent Tucker knew this information before the note was even created, he had no knowledge of the note until the evidentiary hearing. (Tr. 720.)

VI. Independent investigation challenge

In November 2023, the State proposed enlisting DCI to investigate. (Tr. 442-43.) Jasper did not object or move for an independent investigator at that time. He also directed Agent Tucker to information he was seeking and allowed Agent Tucker to interview him. (Tr. 443-44; Ex. 11 at 2.) Agent Tucker never accessed or listened to any private attorney/client calls, previously or during the investigation. (Ex. O at 105; Tr. 651.)

The defense interviewed Agent Tucker, subpoenaed numerous witnesses for the hearing, hired a forensic expert to prepare a report and testify, and subpoenaed and reviewed the raw data of the recorded phone calls from ICS directly—with the district court’s blessing. (Tr. 212, 215-17, 302, 681, 910; Ex. O at 87-88; Ex. J.) Additionally, Agent Tucker arranged to forward to Jasper—on a secured and sealed External Hard Drive and without accessing or listening to the contents—all recorded attorney/client phone calls. (Tr. 678-85.)

In an October 2024 hearing, Brown argued against Agent Tucker conducting the investigation. (Ex. O at 95.) The court responded, “I don’t care what Agent Tucker’s opinion is . . . what I care about is the phone logs, the policies and

procedures, who did what, when, where and why . . . then . . . was the information used by the State? . . . it's a very factual analysis[.]” (*Id.* at 97-98.)

DISCUSSION

I. The district court is not proceeding under a mistake of law.

Supervisory control is an extraordinary remedy, appropriate when the normal appeal process is inadequate, when the case involves purely legal questions, and: (1) the lower court is proceeding under a mistake of law and is causing a gross injustice; (2) constitutional issues of statewide importance are involved; or (3) the lower court has granted or denied a motion for substitution of the judge in a criminal case. *Tipton v. Mont. Thirteenth Judicial Dist. Court*, 2018 MT 164, ¶ 9, 393 Mont. 59, 421 P.3d 780.

A. No prejudice was established.

In *United States v. Morrison*, 449 U.S. 361, 363, 365-66 (1981), the Supreme Court reversed the Third Circuit’s dismissal of an indictment—after the Third Circuit had previously analyzed federal agents’ intrusion upon Morrison’s attorney/client relationship and concluded his Sixth Amendment right to counsel was violated “whether or not any tangible effect upon respondent’s representation had been demonstrated or alleged[.]” The Supreme Court held that, for Sixth Amendment claims, any “constitutional infringement identified” must have “had or

threatens some adverse effect upon the effectiveness of counsel's representation" or has "produced some other prejudice to the defense." *Morrison*, 449 U.S. at 365. "Absent such impact on the criminal proceeding," there is "no basis for imposing a remedy in that proceeding[.]" *Id.*; see also *Weatherford v. Bursey*, 429 U.S. 545, 558 (1977).

Courts have taken varying approaches in analyzing prejudice for attorney/client disclosure claims. Some courts place the burden on the defendant. See, e.g., *Clark v. Wood*, 823 F.2d 1241, 1249-50 (8th Cir. 1987). Some require the defendant to initially show that confidential defense strategy was transmitted to the prosecution, then the burden shifts to the prosecution to show lack of prejudice. See, e.g., *United States v. Danielson*, 325 F.3d 1054, 1071-74 (9th Cir. 2003). The Third Circuit finds a per se violation once a defendant demonstrates the prosecution has improperly obtained confidential defense strategy. *United States v. Levy*, 577 F.2d 200 (3d Cir. 1978). But no approach relieves the defendant from making a prima facie showing that confidential information was actually communicated to the prosecution team. *Danielson*, 325 F.3d at 1071-74; *Levy*, 577 F.2d at 209; *Clark*, 823 F.2d at 1249-50.

In *Levy*, defense counsel represented two codefendants; unbeknownst to counsel, one of the defendants was a government informer. 577 F.2d at 201. The government knew the informant was represented by the same attorney and

recruited the informant to disclose defense strategies. Specific defense strategies were revealed to investigators. *Id.* at 203-05. The Third Circuit held that no showing of prejudice was required when there was a “knowing invasion” of the relationship or “attorney-client confidences” are “actually disclosed to the government enforcement agencies responsible for investigating and prosecuting the case.” *Id.* at 208-09. The Third Circuit later cabined *Levy* to the government’s “deliberate intrusion into a defendant’s attorney-client relationship in order to gain confidential defense strategy[.]” and explained *Levy* was inapplicable when “the government was scrupulous in its effort to avoid procuring confidential defense strategy.” *United States v. Voigt*, 89 F.3d 1050, 1071 (3d Cir. 1996).

This Court has not explicitly adopted any approach, but, in *Baca*, it compared a petitioner’s IAC claim to *Levy* when the petitioner “relie[d] upon [*Levy*] in support of his argument[.]” *Baca v. State*, 2008 MT 371, ¶ 34, 346 Mont. 474, 197 P.3d 948. *Baca* alleged “someone” at the jail accessed and copied his letters. *Baca*, ¶ 33. This Court held that *Baca*’s IAC claim was speculative and *Baca* failed to show prejudice, as he “presented no evidence that the government personnel who investigated and prosecuted the charges against him in the underlying case were provided with, viewed or used the letters or any information contained in the letters.” *Id.* ¶¶ 36-37.

In resolving this petition, this Court need not expressly adopt any approach because—whether the questionable pre-*Morrison Levy* approach,² or any other approach, is examined—Brown cannot meet his burden to show the district court is proceeding on a mistake of law. Here, unlike in *Levy*, the district court did not find any “deliberate intrusion” or “knowing invasion” by the prosecution into the attorney/client relationship. And—under any test and like in *Baca*—Brown never met his baseline burden to establish any disclosure of a strategy, position, or confidential information to the prosecution. The claim fails.

B. The out-of-caution remedy was appropriately tailored.

The remedy for a Sixth Amendment violation should be “tailored to the injury suffered from the constitutional violation and should not unnecessarily infringe on competing interests.” *Morrison*, at 364. And absent “demonstrable prejudice, or substantial threat thereof, dismissal of the indictment is plainly inappropriate, even though the violation may have been deliberate . . . The remedy in the criminal proceeding is limited to denying the prosecution the fruits of its transgression.” *Id.* at 366. Such remedies “characteristically imposed” include “to

² The Third Circuit has since clarified: “[T]o the extent that *Levy* can be read as holding that certain governmental conduct is per se prejudicial, we note that the Supreme Court has since [in *Morrison*] held to the contrary.” *Voigt*, 89 F.3d at 1071 n.9. This case nonetheless cautions against adopting any per se rule because, as the district court observed, “defense counsel’s hands are not clean in this mess.” (Ex. B4 at 23.)

suppress the evidence” or “to order a new trial if the evidence has been wrongfully admitted and the defendant convicted.” *Id.* at 365.

Here, with no deliberate intrusion or actual disclosure of defense strategy to the prosecution—thus no prejudice—the district court was not required to craft any remedy at all. *Morrison*, at 366. But the court nonetheless conscientiously acknowledged that “Sheriff Lewis and Deputy Grey Eagle are a part of the investigative team and anything they may have heard, may impact their ongoing involvement in the case, and potentially their testimony at trial[.]” and, out of an “abundance of caution,” barred them from testifying at Brown’s trial. (Ex. B4 at 25-26.) Brown’s insistence that charges against him should have been instead dismissed is both contrary to law, *Morrison*, at 366, and the reality of the record.

II. The independent investigation challenge fails.

Brown waived his objection to Agent Tucker’s investigation because he did not object when the claim became apparent in November 2023, and Jasper engaged with Agent Tucker’s investigation.

Brown fails to show the district court is proceeding on a mistake of law. He has identified no Montana law authorizing or requiring the use of a taint team or independent team—much less in a circumstance like here where the defense failed

to meet its prima facie burden to show that actual disclosure of confidential information to the prosecution occurred.

Brown also fails to show prejudice. Unlike the case Brown cites where the taint team actually *reviewed* privileged materials when they were only supposed to segregate such materials, *United States v. Pederson*, 2014 WL 3871197 * 29 (D. Or. Aug. 4, 2014), Agent Tucker never had access to ICS nor was he exposed to privileged information from letters or phone calls, either prior to or during his investigation. While he interviewed people who had accessed privileged calls and letters, he never solicited nor received confidential attorney/client information, nor did any person recall or transmit any substantive information regarding the calls and letters.

Agent Tucker's wise decision to carefully arrange and ensure delivery to the defense all ICS calls containing attorney/client information—without accessing any confidential material himself—actually prevented any possible prosecution contagion here. Without any intervention, the defense had everything it needed to investigate whether any actual disclosure of confidential information occurred, including: (1) all recorded attorney/client calls; (2) the raw ICS data and information about who intercepted those calls; and (3) forensic expert interpretation and analysis. The defense's investigation did not reveal any actual disclosure of defense strategy occurred.

Finally, Brown’s request is mooted by the district court barring Deputy Grey Eagle and Sheriff Lewis from trial testimony. They were the only prosecution team people who inadvertently heard, albeit non-substantive, information on attorney/client calls. As the court ruled, the “sworn testimony” of witnesses including law enforcement was sufficient for resolving the issue and “[n]o additional third party investigation would move the conversation forward or offer any additional information instructive to the specific questions before the Court.” (Ex. B4 at 26.)

CONCLUSION

This Court should deny and dismiss Brown’s petition.

Respectfully submitted this 26th day of February, 2026.

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CERTIFICATE OF COMPLIANCE

Pursuant to Rule 11 of the Montana Rules of Appellate Procedure, I certify that this response is printed with a proportionately spaced Times New Roman text typeface of 14 points; is double-spaced except for footnotes and for quoted and indented material; and the word count calculated by Microsoft Word for Windows is 3,973 words, excluding caption, signatures, certificate of compliance, certificate of service, and any exhibits.

/s/ Roy Brown
ROY BROWN

IN THE SUPREME COURT OF THE STATE OF MONTANA

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MONTANA SEVENTH JUDICIAL DISTRICT
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Respondent.

STATE’S EXHIBITS³

2/14/23 Agent Tucker’s interview with Trent Gress, (State’s Ex. 32) (purple file folder 6).....	Ex. 1
2/16/23 Investigator correspondences re investigation into Brown’s allegation, (State’s Ex. 1) (purple file folder 4).....	Ex. 2
2/16/23 Additional investigator correspondences re investigation into Brown’s allegation, (State’s Ex. 2) (purple file folder 4).....	Ex. 3
3/7/23 to 3/17/23 Emails between Kilby and Gee, (Def’s Ex. CC) (purple file folder 3)	Ex. 4

³ To ensure accuracy of the exhibits, the State requested the actual filed exhibits from the Prairie County Clerk’s Office, which have been provided to the Montana Supreme Court’s Clerks Office in several purple file folders. The attached exhibits here also are cross-referenced in this table to their location in the purple file folders or in the district court record.

6/17/23 Motion for Leave to File Amended Information and Affidavit in Support, (Doc. 27)	Ex. 5
9/18/23 Second Amended Information (Doc. 36)	Ex. 6
11/15/23 Order Releasing Defendant from Custody after Having Posted Bail, (Doc. 56)	Ex. 7
11/16/23 State’s Unopposed Motion for an Order Prohibiting Montana Law Enforcement from Relaying Constitutionally Protected Information, (Doc. 59)	Ex. 8
11/16/23 Order Prohibiting Law Enforcement from Relaying Constitutionally Protected Communications, (Doc. 60)	Ex. 9
11/16/23 Notice of Non-Disclosure of Constitutionally Protected Communications (SEALED), and attached email exhibits, (Doc. 61)	Ex. 10
11/21/23 Emails between Jasper and Agent Tucker setting up Jasper’s interview, (State’s Ex. 5) (purple file folder 4).....	Ex. 11
11/24/23 Agent Tucker interview with Sheriff Keifer Lewis, (Def’s Ex. U) (purple file folder 2).....	Ex. 12
11/29/23 Agent Tucker Interview with Lance Jasper, (Def’s Ex. EE) (purple file folder 3).....	Ex. 13
12/1/23 Agent Tucker Interview with Kaye Nichols, (Def’s Ex. H) (purple file folder 1).....	Ex. 14
12/1/23 Agent Tucker Interview with Brashdon Miller, (Def’s Ex. J) (purple file folder 1).....	Ex. 15

12/5/23 Agent Tucker Interview with Taylor Patterson,
(Def’s Ex. L) (purple file folder 1) Ex. 16

12/23/23- 1/3/24 Emails between Jasper and Agent Tucker re: Agent
Tucker’s attempts to get information regarding attorney phone number
blocking by Tami,
(State’s Ex. 9) (purple file folder 4)..... Ex. 17

Agent Tucker Supplemental Report # 2,
(State’s Ex. 15) (purple file folder 5)..... Ex. 18

Agent Tucker Supplemental Report # 3,
(State’s Ex. 16) (purple file folder 5)..... Ex. 19

DOC Dawson County Corrections Operations Procedure,
(Def’s Ex. G) (purple file folder 1)..... Ex. 20

Agent Tuckers Report of calls between Brown and his attorneys,
(State’s Ex. 3) (purple file folder 4)..... Ex. 21

CERTIFICATE OF SERVICE

I, Roy Lindsay Brown, hereby certify that I have served true and accurate copies of the foregoing Brief - Other to the following on 02-26-2026:

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Electronically signed by Kristin Ashcraft on behalf of Roy Lindsay Brown
Dated: 02-26-2026