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43-CC-2014-000565.00
CIRCUIT COURT OF
LEE COUNTY, ALABAMA
MARY B. ROBERSON, CLERK

IN THE CIRCUIT COURT OF LEE COUNTY, ALABAMA

STATE OF ALABAMA,)	
)	
v.)	CASE NO. CC-2014-000565
)	
)	
MICHAEL GREGORY HUBBARD,)	
)	
Defendant.)	

STATE'S MOTION TO SUPPLEMENT THE RECORD

The State of Alabama respectfully notifies this Court, pursuant to Rule 10(g) of the Alabama Rules of Appellate Procedure, that the record in this case is incomplete. The Reporter's Transcript Order requested, among other things, a transcript of the January 8, 2016 hearing. Doc. 785 (attached as Exhibit A). A portion of this hearing, held in chambers, was omitted from the transcript. *See* T. 2321, 2377 (attached as Exhibit B). The State respectfully requests that this Court order the Court Reporter to supplement the record with a transcript of this portion of the hearing.

Respectfully submitted this 24th day of February, 2017.

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ACTING ATTORNEY GENERAL

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CERTIFICATE OF SERVICE

I hereby certify that I have, this the 24th day of February 2017, electronically filed the foregoing using the AlaFile system which will send notification of such filing to the following registered persons, and that those persons not registered with the AlaFile system were served a copy of the foregoing by U. S. mail:

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/s/ Megan A. Kirkpatrick
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EXHIBIT A

State of Alabama Unified Judicial System Form ARAP-1C 8/91	REPORTER'S TRANSCRIPT ORDER – CRIMINAL See Rules 10(c) and 11(b) of the Alabama Rules of Appellate Procedure (A.R.App.P)	Criminal Appeal Number _____
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TO BE COMPLETED BY COUNSEL FOR THE APPELLANT OR BY THE APPELLANT IF NOT REPRESENTED AND FILED WITH THE WRITTEN NOTICE OF APPEAL OR FILED WITHIN 7 DAYS AFTER ORAL NOTICE OF APPEAL IS GIVEN.

☒ CIRCUIT COURT ☐ DISTRICT COURT ☐ JUVENILE COURT OF _____ COUNTY
LEE
Michael Gregory Hubbard, Appellant

v. ☒ STATE OF ALABAMA ☐ MUNICIPALITY OF _____

Case Number	CC-2014-565	Date of Judgment/Sentence/Order	7/8/16; 9/6/16
Date of Notice of Appeal	Indigent Status Granted:		
Oral:	Written: 10/5/16	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	

PART 1. TO BE SIGNED IF THE APPEAL WILL NOT HAVE A COURT REPORTER'S TRANSCRIPT:
 I CERTIFY THAT NO REPORTER'S TRANSCRIPT IS EXPECTED AND THAT THE RECORD ON APPEAL SHALL CONSIST OF THE CLERK'S RECORD ONLY. IF THE APPEAL IS FROM DISTRICT COURT OR JUVENILE COURT, I ALSO CERTIFY (1) THAT A STIPULATION OF FACTS WILL BE INCLUDED IN THE CLERK'S RECORD AND THAT THE APPELLANT WAIVES HIS RIGHT TO A JURY TRIAL IF SO ENTITLED; OR (2) THAT THE PARTIES HAVE STIPULATED THAT ONLY QUESTIONS OF LAW ARE INVOLVED AND THAT THE QUESTIONS WILL BE CERTIFIED BY THE JUVENILE / DISTRICT COURT FOR INCLUSION IN THE CLERK'S RECORD (SEE RULE 28(A)(1), ALABAMA RULES OF JUVENILE PROCEDURE, AND §12-12-72, **CODE OF ALABAMA 1975**).

Signature _____ Date _____ Print or Type Name _____

PART 2. DESIGNATION OF PROCEEDINGS TO BE TRANSCRIBED. Request is hereby made to the court reporter(s) indicated below for a transcript of the following proceedings in the above referenced case (see Rule 10(c)(2), Alabama Rules of Appellate Procedure (A.R.App.P.)):

MARK PROCEEDINGS REQUESTED:

	COURT REPORTER(S)
A. <input checked="" type="checkbox"/> TRIAL PROCEEDINGS – Although this designation will include the judgment and sentence proceedings, a transcript of the organization of the jury and arguments of counsel must be designated separately.	Janet C. Smith (CCR-195)
B. <input checked="" type="checkbox"/> ORGANIZATION OF THE JURY – This designation will include voir dire examination and challenges for cause. Note that in noncapital cases the voir dire of the jury will not be recorded unless the trial judge so directs. (See Rule 19.4, ArCrP.)	Janet C. Smith (CCR-195)
C. <input checked="" type="checkbox"/> ARGUMENTS OF COUNSEL – Note that in noncapital cases the arguments of counsel will not be recorded unless the trial judge so directs. (See Rule 19.4, ArCrP.)	Janet C. Smith (CCR-195)

IN ADDITION TO ANY PROCEEDINGS DESIGNATED ABOVE, SPECIAL REQUEST IS HEREBY MADE TO INCLUDE THE FOLLOWING PROCEEDINGS IN THE REPORTER'S TRANSCRIPT PORTION OF THE RECORD ON APPEAL. (ATTACH ADDITIONAL PAGES IF NECESSARY):

ADDITIONAL PROCEEDINGS REQUESTED	DATE	COURT REPORTER(S)
D. See Attached	FILED	
E. _____	OCT 05 2016	
F. _____		
G. _____		

IN OFFICE
 MARY B. ROBERSON
 CIRCUIT CLERK

IMPORT NOTICE : The court reporter who reported the proceedings for which a transcript is requested must be identified on this form to be effective. Additionally, it is important to note that the appellant may not be permitted to raise any issue on appeal relating to any proceedings in the case that are not specifically designated on this form for inclusion in the reporter's transcript. A general designation such as "all proceedings" is not sufficient. (See Rule 10(c)(2), A.R.App.P.)

PART 3. MUST BE SIGNED IF THE APPEAL WILL HAVE COURT REPORTER'S TRANSCRIPT:
 I CERTIFY THAT I HAVE DISTRIBUTED THIS FORM AS SET OUT BELOW. I ALSO CERTIFY (1) THAT I HAVE MADE SATISFACTORY FINANCIAL ARRANGEMENTS WITH EACH COURT REPORTER LISTED ABOVE FOR PREPARING HIS OR HER PORTION OF THE REPORTER'S TRANSCRIPT HEREIN REQUESTED; OR (2) THAT THE APPELLANT PROCEEDED AT TRIAL AS AN INDIGENT AND THAT STATUS HAS NOT BEEN REVOKED; OR (3) THAT THE APPELLANT HAS BEEN GIVEN PERMISSION TO PROCEED ON APPEAL IN FORMA PAUPERIS.

Signature _____ Date 08/3/2016 Print or Type Name William J. Baxley

DISTRIBUTION : Original filed with Clerk of Trial Court and copies mailed to: (1) Clerk of the Court of Criminal Appeals, (2) the District Attorney, (3) the Attorney General or the municipal prosecutor in lieu of the District Attorney and the Attorney General if the appeal is from a municipal conviction, and (4) to each Court Reporter who reported proceedings designated for inclusion in the reporter's transcript.

IN THE CIRCUIT COURT OF LEE COUNTY, ALABAMA

STATE OF ALABAMA,)	
)	
vs.)	Case No. CC-2014-565
)	
MICHAEL GREGORY HUBBARD,)	
)	
Defendant.)	

ADDITIONAL PROCEEDINGS REQUESTED

<u>Proceeding</u>	<u>Date</u>	<u>Reporter</u>
Pre-Indictment Hearing	10/14/14	Stephanie Garrett-Mays
Scheduling Conference	1/15/15	Janet C. Smith ¹
Hearing	4/3/15	
Motion Hearing (w/testimony)	4/15/15	
Motion Hearing	4/30/15	
Hearing	6/24/15	
Telephone Conference	7/22/15	
Hearing	8/17/15	
Hearing	8/20/15	
Hearing	8/21/15	
Telephone Conference	10/1/15	
Hearing (w/testimony)	10/20/15	
E-discovery Hearing (Spec.Mstr)	10/21/15	Freedom Ct. Rptng (Michelle Parvin)
Hearing (w/testimony)	10/26/15	
Hearing (w/testimony)	10/27/15	
Hearing (w/testimony)	10/28/15	
Hearing	11/9/15	
E-discovery Hearing (Spec.Mstr)	11/12/15	Freedom Ct. Rptng (Kim Dowdy)
Telephone Conference	11/13/15	
Hearing (w/testimony)	11/23/15	
Hearing (w/testimony)	12/16/15	
Hearing	1/8/16	
Hearing	1/26/16	
Hearing	2/16/16	
Hearing (w/testimony)	3/3/16	
Hearing	4/20/16	
Hearing	4/29/16	
Post-trial Motion Hearing	9/2/16	

¹All proceedings were reported by Janet C. Smith (CCR-195) unless otherwise indicated.

EXHIBIT B

1 FOR THE COUNTY OF LEE, STATE OF ALABAMA

2 THIRTY-SEVENTH JUDICIAL CIRCUIT

3 CRIMINAL DIVISION

4 STATE OF ALABAMA,

5 PLAINTIFF,

6 VS.

CASE NO:

7 MIKE HUBBARD

8 DEFENDANT.

9 _____/

10 PROCEEDINGS

11 BEFORE:

12 HONORABLE JACOB A. WALKER, III, CIRCUIT

13 COURT JUDGE, LEE COUNTY JUSTICE

14 CENTER. JANUARY 8, 2016

15 APPEARANCES:

16 FOR THE STATE:

17 HON. MATT HART

18 HON. MIKE DUFFY

19 HON. BRASHER

20 FOR THE DEFENDANT:

21 HON. MARK WHITE

22 HON. AUGUSTA DOWD

23 HON. BLAKE OLIVER

24 HON. LANCE BELL

25 PROCEEDINGS HAD IN OPEN COURT

1 objection.

2 THE COURT: Okay. All right.

3 (Proceedings adjourned
4 and ex parte hearing
5 held in conference
6 room.)

7 (Proceedings were
8 resumed in the
9 courtroom.)

10 THE COURT: All right. Y'all
11 keep your seats.

12 (Parties comply.)

13 MS. LANGER: Judge, may I
14 approach?

15 THE COURT: Sure.

16 MS. LANGER: Judge, my name is
17 Katie Langer. I am appearing on
18 behalf of the State of Alabama.

19 THE COURT: Hey. How are you
20 doing?

21 MS. LANGER: I filed this
22 earlier. Hi. How are you?

23 THE COURT: Good.

24 MS. LANGER: Good. And I will
25 be representing the State in this