

IN THE SUPREME COURT OF THE STATE OF MONTANA

No. DA 17-0609

STATE OF MONTANA,

Plaintiff and Appellee,

v.

SAMANTHA LEE NELSON,

Defendant and Appellant.

**MOTION FOR EXTENSION OF TIME
WITH AFFIDAVIT IN SUPPORT**

COMES NOW, Michael Marchesini, Assistant Appellate Defender for the Appellate Defender Division, and respectfully requests an extension of time until August 29, 2018, in which to prepare, file, and serve the Appellant's opening brief in the above-entitled matter. This is Appellant's ninth request for an extension. Appellant's opening brief was first due November 29, 2017. Appellant's opening brief is presently due July 30, 2018. Appellant submits the attached affidavit in support of this motion.

Opposing counsel has been contacted and has no objection.

Respectfully submitted this 23rd day of July, 2018.

OFFICE OF THE PUBLIC DEFENDER
APPELLATE DEFENDER DIVISION
555 Fuller Ave.
P.O. Box 200147
Helena, MT 59620-0147

By: /s/ Michael Marchesini
MICHAEL MARCHESINI
Assistant Appellate Defender

STATE OF MONTANA)
 : ss.
County of Lewis and Clark)

I, Michael Marchesini, in compliance with M. R. App. P. 26(2),
declare:

1. I am a licensed, practicing attorney in the State of Montana.
I am currently employed by the Office of the State Public Defender,
Appellate Defender Division (ADD), as an Assistant Appellate Defender.

2. I have been assigned to represent the Appellant in *State v.*
Nelson (DA 17-0609).

3. Appellant's opening brief was first due November 29, 2017.
The brief is currently due July 30, 2018.

4. This is Appellant's ninth request for an extension. This is the
fourth request for an extension since I personally took over the case. I
am requesting an additional 30 days to file the opening brief.

5. I am in substantial need of an extension. Although I have
begun my review of this case, I will be unable to complete the opening
brief within the previously allotted time.

6. In addition to this case, I am counsel of record in the following
pending appeals: *State v. Martin* (DA 17-0520) (opening brief filed); *State*

v. Mize (DA 17-0518) (opening brief filed); *State v. Jensen* (DA 17-0469) (opening brief filed); *State v. Ward* (DA 17-0494); *City of Kalispell v. Martinez* (DA 17-0606); *State v. Zimmerman* (DA 17-0636); *State v. Zimmerman* (DA 17-0654); *In re T.L.* (DA 17-0696); and *City of Billings v. Rodriguez* (17-0727).

7. I will work diligently to complete this matter in the time requested.

8. Counsel for the State does not object to this request.

9. I declare under penalty of perjury that the foregoing is true and correct.

/s/ Michael Marchesini
Michael Marchesini, Helena, Montana

July 23, 2018
Date

CERTIFICATE OF SERVICE

I, Michael Marchesini, hereby certify that I have served true and accurate copies of the foregoing Motion - Unopposed - Motion and Affidavit for Second or Subsequent Extension to the following on 07-23-2018:

Timothy Charles Fox (Prosecutor)
Montana Attorney General
215 North Sanders
PO Box 201401
Helena MT 59620
Representing: State of Montana
Service Method: eService

Marcia Jean Boris (Attorney)
Lincoln County Attorney
512 California Avenue
Libby MT 59923
Representing: State of Montana
Service Method: E-mail Delivery

Electronically signed by Pamela S. Rossi on behalf of Michael Marchesini
Dated: 07-23-2018