

## IN THE SUPREME COURT OF THE STATE OF MONTANA

No. DA 17-0430

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STATE OF MONTANA,

Plaintiff and Appellee,

v.

KENA ANNETTE HOLLAND,

Defendant and Appellant.

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

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COMES NOW, Alexander H. Pyle, Assistant Appellate Defender for the Appellate Defender Division and respectfully requests an extension of time until September 5, 2018, in which to prepare, file, and serve the Appellant's opening brief in the above-entitled matter. This is Appellant's tenth request for an extension. Appellant's opening brief was first due October 2, 2017. Appellant's opening brief is presently due August 6, 2018. Appellant submits the attached affidavit in support of this motion.

Opposing counsel has been contacted and has no objection.

Respectfully submitted this 27<sup>th</sup> 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/ Alexander H. Pyle  
ALEXANDER H. PYLE  
Assistant Appellate Defender

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

I, Alexander H. Pyle, pursuant to M. R. App. P. 26(2), declare:

1.     I am a licensed, practicing attorney in the State of Montana.  
I am an Assistant Appellant Defender with the Appellate Defender  
Division of the Office of the Public Defender.

2.     I represent the Appellant in *State v. Holland* (DA 17-0430).

3.     Appellant's brief was first due October 2, 2017. The brief is  
currently due August 6, 2018.

4.     This is Appellant's tenth request for an extension. It is the  
fifth request for an extension since I personally took control of the case.  
One of my previous extensions was for 60 days while the other extensions  
were for 30 days. I am now requesting an additional 30 days to file the  
opening brief.

5.     I am in substantial need of an extension. Although I have  
reviewed the record and begun working on an opening brief, I need  
additional time to write the opening brief in this case. This case is my  
second highest priority behind filing an opening brief in *State v. Chavis*  
(DA 17-0454).

6. In addition to this case and *Chavis*, I am counsel of record in the following pending appeals: *State v. Larsen* (DA 16-0381) (fully briefed), *State v. Barrows* (DA 17-0061) (fully briefed), *State v. Hamilton* (DA 17-0271) (fully briefed), *State v. Holland* (DA 17-0430) (opening brief pending), *State v. Santoro* (DA 17-0454) (opening brief pending), *State v. Varady* (DA 17-0412) (opening brief pending), and *State v. Craft* (DA 17-0660) (opening brief pending).

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

8. The State has been contacted and does not object to this request.

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

/s/ Alexander H. Pyle  
Alexander H. Pyle, Helena, Montana

July 27, 2018  
Date

## **CERTIFICATE OF SERVICE**

I, Alexander H. Pyle, 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 07-27-2018:

Leo John Gallagher (Prosecutor)  
Lewis & Clark County Attorney Office  
Courthouse - 228 E. Broadway  
Helena MT 59601  
Representing: State of Montana  
Service Method: eService

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

Electronically signed by Pamela S. Rossi on behalf of Alexander H. Pyle  
Dated: 07-27-2018