

IN THE SUPREME COURT OF THE STATE OF MONTANA

No. DA 20-0040

STATE OF MONTANA,

Plaintiff and Appellee,

v.

KENNETH RAYMOND TIPTON,

Defendant and Appellant.

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

COMES NOW, Alexander H. Pyle, Assistant Appellate Defender for the Appellate Defender Division, and respectfully requests an extension of time until May 28, 2021, in which to prepare, file, and serve the Appellant's opening brief in the above-entitled matter. This is Appellant's twelfth request for an extension. Appellant's opening brief was first due May 29, 2020. Appellant's opening brief is presently due April 28, 2021. Appellant submits the attached affidavit in support of this motion.

Opposing counsel has been contacted and has no objection.

Respectfully submitted this 19th day of April, 2021.

OFFICE OF STATE PUBLIC DEFENDER
APPELLATE DEFENDER DIVISION
P.O. Box 200147
Helena, MT 59620-0147

By: /s/ Alexander H. Pyle
ALEXANDER H. PYLE
Assistant Appellate Defender

[illegible]

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 State Public Defender.

2. I represent the Appellant in *State v. Tipton* (DA 20-0040).

Appellant is currently incarcerated.

3. Appellant's opening brief was initially due May 29, 2020.

The opening brief is currently due April 28, 2021.

4. This motion is for a twelfth 30-day extension of time to file the opening brief. This is the fourth extension since I was personally assigned as counsel of record in this case.

5. I am in substantial need of an extension. I recently filed an opening brief *State v. Ruff* (DA 19-0167) (filed April 15, 2021). Filing the opening brief in this case is now highest priority. The opening brief is near finished, but more time is necessary to consult with Appellant. I anticipate that this will be the last extension necessary to file the opening brief.

6. In addition to this case, I am counsel of record in the following pending appeals: *State v. Lamoureux* (DA 18-0639) (fully briefed), *State v. Carpenter* (DA 18-0696) (fully briefed), *State v. Pedersen* (DA 20-0042) (response brief pending), *City of Missoula v. Sadiku* (DA 19-0689) (response brief pending), *State v. Wright* (DA 20-0091) (response brief pending), and *State v. Ruff* (DA 19-0167) (response brief pending).

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

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

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

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

April 16, 2021
Date

CERTIFICATE OF SERVICE

I, Alexander H. Pyle, hereby certify that I have served true and accurate copies of the foregoing Motion - Unopposed to the following on 04-19-2021:

Burt Norman Hurwitz (Attorney)
114 Third Street South
PO Box 1645
Great Falls MT 59403-1645
Representing: State of Montana
Service Method: eService

Austin Miles Knudsen (Govt Attorney)
215 N. Sanders
Helena MT 59620
Representing: State of Montana
Service Method: eService

Electronically signed by Pamela S. Rossi on behalf of Alexander H. Pyle
Dated: 04-19-2021