

IN THE SUPREME COURT OF THE STATE OF MONTANA

No. DA 20-0078

STATE OF MONTANA,

Plaintiff and Appellee,

v.

STANLEY JOSEPH OLIVER,

Defendant and Appellant.

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

COMES NOW, Deborah S. Smith, Assistant Appellate Defender for the Appellate Defender Division, and respectfully requests an extension of time until August 9, 2021, in which to prepare, file, and serve the Appellant's opening brief in the above-entitled matter. This is Appellant's eleventh request for an extension. Appellant's opening brief was first due June 10, 2020. Appellant's opening brief is currently due June 8, 2021. Appellant submits the attached affidavit in support of this motion.

Opposing counsel has been contacted and has no objection.

Respectfully submitted this 1st day of June, 2021.

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

By: /s/ Deborah S. Smith
DEBORAH S. SMITH
Assistant Appellate Defender

Salmonsens (OP 20-0583). Opening briefs remain due in three (3) of these other cases.

5. I review and complete my cases in the order in which they were assigned to me or previous counsel, unless the particular circumstances of a case warrant prioritization of a newer appeal over older appeals. All of my other cases needing opening briefs prepared and filed have been pending longer than Mr. Oliver's appeal.

6. At present, I am working on the opening briefs for Ms. Lalicker's two appeals and preparing for oral argument in *Killam* scheduled for June 16, 2021.

7. Since my last extension of time in this matter, I have filed the reply brief in *Witkowski* on May 3, 2021

8. I request an extension of 60 days to review the record on appeal in this case, conduct legal research, consult with Mr. Oliver, and prepare his opening brief. Mr. Oliver is currently on conditional release.

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

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

11. I declare under penalty of perjury that the above is true and correct.

/s/ Deborah S. Smith
DEBORAH S. SMITH,
Helena, Montana

June 1, 2021
Date

CERTIFICATE OF SERVICE

I, Deborah Susan Smith, hereby certify that I have served true and accurate copies of the foregoing Motion - Unopposed to the following on 06-01-2021:

Kirsten H. Pabst (Govt Attorney)
200 W. Broadway
Missoula MT 59802
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 Kim Harrison on behalf of Deborah Susan Smith
Dated: 06-01-2021