

IN THE SUPREME COURT OF THE STATE OF MONTANA

Supreme Court No. DA _____

STATE OF MONTANA,

Plaintiff and Appellee,

vs.

BRYCE CALEB HAMERNICK,

Defendant and Appellant.

***UNOPPOSED MOTION TO WITHDRAW AS COUNSEL OF RECORD
AND FOR THE APPOINTMENT OF THE APPELLATE DEFENDER'S
OFFICE***

The Undersigned Counsel of Record for the Appellant, Peter F. Lacny, hereby moves the Court for an order allowing him to withdraw as Counsel for the Appellant, Bryce Caleb Hamernick, and to appoint the Appellate Defenders Office in his stead to represent the Appellant on appeal.

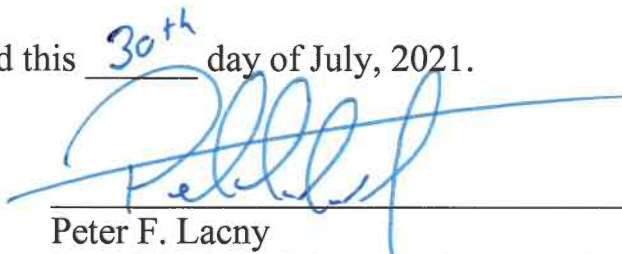
This motion is made for the reason that the Attorney-Client Fee Agreement between Mr. Hamernick and the Undersigned only provided for the Undersigned's representation of Mr. Hamernick in the District Court

until final judgment, and not in the appeal before this Court. Mr. Hamernick has been incarcerated for more than 139 days and was sentenced to a period of incarceration of five years without parole. He is currently housed at the Broadwater County Jail. He has no assets or income, and is indigent. There is no prospect that his financial situation will improve anytime in the foreseeable future. The Undersigned therefore requests leave to withdraw as counsel of record for Mr. Hamernick. Because he is indigent, Mr. Hamernick will need court-appointed counsel and therefore requests the Court to appoint the Appellate Defender's Office to represent Hamernick on appeal.

A new scheduling order will also be necessary once the Appellate Defender's Office is appointed, and therefore requests the Court to issue a new scheduling order with new deadlines for the filing of Appellant's Opening Brief.

Ryan Mickelson, Attorney for the State, does not object to this motion.

Respectfully submitted this 30th day of July, 2021.



Peter F. Lacny
DATSOPOULOS, MacDONALD & LIND, P.C.
Attorney for Defendant

CERTIFICATE OF SERVICE

I, Peter F. Lacny, certify that I have filed a true and correct copy of the foregoing Notice of Appeal with the Clerk of the Montana Supreme Court, and I have served true and correct copies of the foregoing Notice of Appeal upon the Clerk of the District Court, each attorney of record, and each party not represented by an attorney in the above-referenced District Court action, as follows:

Michelle Vipperman..... U.S. Mail
Clerk of District Court
200 W Broadway St.
Missoula, MT 59802

Jennifer Wells.....U.S. Mail
200 W Broadway St.
Missoula, MT 59802

Ryan Mickelson..... U.S. Mail
Deputy Missoula County Attorney
199 W. Pine St.
Missoula, MT 59802

Austin Knudsen U.S. Mail
Montana Attorney General
215 North Sanders
Helena, MT 59620-1401

Bryce Hamernick..... U.S. Mail

DATED: 7-30-2021



Peter F. Lacny

CERTIFICATE OF SERVICE

I, Peter Francis Lacny, hereby certify that I have served true and accurate copies of the foregoing Motion - Unopposed to the following on 07-30-2021:

Ryan Joseph Mickelson (Govt Attorney)
Missoula County Attorney's Office
200 West 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

Kirsten H. Pabst (Govt Attorney)
200 W. Broadway
Missoula MT 59802
Representing: State of Montana
Service Method: eService

Clerk of District Court
Service Method: Conventional
E-mail Address: clerkofcourt@missoulacounty.us

Jennifer Wells (Court Reporter)
8224 Lakewood Ranch Blvd. #411
Lakewood Ranch FL 34202
Service Method: eService
E-mail Address: jenniferwellsa@gmail.com

Electronically signed by Hannah Ellison on behalf of Peter Francis Lacny
Dated: 07-30-2021