

IN THE SUPREME COURT OF THE STATE OF MONTANA

No. DA 20-0494

STATE OF MONTANA,

Plaintiff and Appellee,

v.

DAVID ALAN SPAGNOLO,

Defendant and Appellant,

**APPELLANT'S SECOND OR SUBSEQUENT MOTION FOR
EXTENSION OF TIME, UNOPPOSED**

COMES NOW, Shannon Sweeney, Attorney at Law, and respectfully requests an extension of time, thirty (30) days, until March 2, 2022, in which to prepare, file, and serve the Appellant's opening brief in the above-entitled matter. Appellant's opening brief was first due December 30, 2020 and is currently due January 31, 2022. This is Appellant's thirteenth extension request for the opening, but it is the seventh extension sought since undersigned counsel has appeared in this case.

Opposing counsel has been contacted concerning the motion and
does not object.

Respectfully submitted this 24th day of January 2022.

By: /s/ Shannon Sweeney
SHANNON SWEENEY
Attorney at Law
Attorney for Defendant & Appellant

Declaration under Penalty of Perjury:

I, Shannon Sweeney, pursuant to Mont. Code Ann. §1-6-105 declare under penalty of perjury and under the laws of the State of Montana that the foregoing is true and correct:

1. I am a practicing attorney, licensed in the State of Montana. I am in private practice and serve as Contract Counsel for the Office of the Appellate Defender.
2. The Appellant's opening brief was first due December 30, 2020. The brief is presently due January 31, 2022. This is Appellant's thirteenth extension requested in this Appeal, but the seventh request made by current appointed counsel.
3. I am requesting an extension of 30 days to submit Appellant's Opening Brief. I require additional time to review the record, conduct research and draft a brief on appeal, to review with Mr. Spagnolo.
4. The State/Appellee has been contacted and does **not object** to this request.

/s/ Shannon Sweeney
Shannon Sweeney, Attorney at Law

JAN. 24, 2022
Date

CERTIFICATE OF SERVICE

I, Shannon Leigh Sweeney, hereby certify that I have served true and accurate copies of the foregoing Motion - Unopposed to the following on 01-24-2022:

Chad M. Wright (Attorney)
P.O. Box 200147
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Representing: David Alan Spagnolo
Service Method: eService

Joshua A. Racki (Govt Attorney)
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Representing: State of Montana
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215 N. Sanders
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Representing: State of Montana
Service Method: eService

Electronically Signed By: Shannon Leigh Sweeney
Dated: 01-24-2022