

## IN THE SUPREME COURT OF THE STATE OF MONTANA

No. DA 21-0016

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STATE OF MONTANA,

Plaintiff and Appellee,

v.

DONALD GARZA,

Defendant and Appellant.

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

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COMES NOW, Tammy A. Hinderman, Assistant Appellate Defender for the Appellate Defender Division, and respectfully requests an extension of time until April 27, 2022, 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 initially due April 26, 2021. Appellant's opening brief is presently due March 28, 2022. Appellant submits the attached affidavit in support of this motion.

Opposing counsel has been contacted and has no objection.

Respectfully submitted this 21st day of March, 2022.

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

By: /s/ Tammy A. Hinderman  
TAMMY A. HINDERMAN  
Assistant Appellate Defender

I, Tammy A. Hinderman, pursuant to M. R. App. P. 26(2) and Mont. Code Ann. § 1-1-203(1), declare:

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

2. I have been assigned to represent Appellant in *State v. Garza*, DA 21-0016.

3. Appellant's opening brief was initially due April 26, 2021. The opening brief is currently due March 28, 2022. This is Appellant's twelfth request for a 30-day extension of time to file the opening brief, but it is only my third request since being assigned this matter.

4. I am in substantial need of an extension. Since my last request, I filed the reply brief in *Matter of V.K.B.*, DA 20-0430. I am currently working on two separate homicide matters: the opening brief in *State v. Hardy*, DA 19-0471, which is currently due April 4, 2022; and the reply brief in *State v. Hamm*, which is due April 18, 2022, and has already been extended once. Although I have reviewed the record in this case, I need additional time to identify and research potential

issues, consult with my client, and draft the opening brief. Due to my current caseload, I need additional time to do so.

5. Appellant is currently incarcerated.

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

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

/s/ Tammy A. Hinderman  
Tammy A. Hinderman

March 21, 2022  
Date

## **CERTIFICATE OF SERVICE**

I, Tammy Hinderman, hereby certify that I have served true and accurate copies of the foregoing Motion - Unopposed to the following on 03-21-2022:

Martin Lambert (Govt Attorney)  
1709 W. College  
Bozeman MT 59715  
Representing: State of Montana  
Service Method: eService

Austin 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 Tammy Hinderman  
Dated: 03-21-2022