

IN THE SUPREME COURT OF THE STATE OF MONTANA

Supreme Court No. DA 22-0054

Shandor S. Badaruddin,

Appellant,

-vs-

The State of Montana &
The Nineteenth Judicial District,Appellees.

Appellant's Second Motion for Extension of Time

Come now, Colin M. Stephens and Peter F. Lacny, *pro bono* counsel for the Appellant, and respectfully request a one-month extension of time until June 27, 2022, in which to prepare, file and serve the Appellant's Opening Brief in this matter.

This is Appellant's second request for extension. The Opening Brief was originally due on April 28, 2022.

Opposing counsel has been contacted and **does not object**

Further reasoning in support of this motion is set forth in the following Declaration.

Respectfully submitted this 26th day of May 2022.

/s/ Colin M. Stephens
Colin M. Stephens
SMITH & STEPHENS, P.C.

/s/ Peter F. Lacny
Peter F. Lacny
DATSOPOULOS, MacDONALD & LIND, P.C.

Declaration

State of Montana)
 :
County of Missoula)

I, Colin M. Stephens, pursuant to *Mont. Code Ann. § 1-1-203*,
declare:

1. I am a licensed, practicing attorney in the State of Montana, and I am currently employed at Smith & Stephens, P.C.
2. I am one of two attorneys for the Appellant in this matter.
3. Both myself and my co-counsel are representing the Appellant in this matter *pro bono* and in our capacities as members of the Montana Association of Criminal Defense Lawyers. I am the current President of that Association. Mr. Lacny is a past President.
4. Although the facts and procedural history of the underlying criminal case upon which this matter is based are familiar to the Court, the issue raised in this appeal is both a matter of first impression and one of state-wide importance, especially to attorneys practicing criminal defense in the State of Montana.
5. Despite working diligently to complete the Appellant's Opening Brief in a timely fashion, Mr. Lacny and I have been unable to complete it under the current schedule. Speaking for myself, I finished trying a homicide case in Sanders County at the end of April. That trial and the following catch-up on other work made it impossible to complete the Opening Brief. I am also aware that Mr. Lacny has been equally busy with repeated trips to Billings for work.
6. Both of us will continue to work diligently to complete the

Appellant's Opening Brief in the time allotted from this requested continuance.

Respectfully submitted this 26th day of May 2022.

/s/ Colin M. Stephens
Colin M. Stephens
SMITH & STEPHENS, P.C.
Attorney for Appellant

CERTIFICATE OF SERVICE

I, Colin M. Stephens, hereby certify that I have served true and accurate copies of the foregoing Motion - Unopposed to the following on 05-26-2022:

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Electronically Signed By: Colin M. Stephens
Dated: 05-26-2022