

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 Third Motion for Extension of Time

Come now, Colin M. Stephens and Peter F. Lacny, *pro bono* counsel for the Appellant, and respectfully request an approximate one-month extension of time until approximately August 5, in which to prepare, file and serve the Appellant's Opening Brief in this matter.

This is Appellant's third 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 24th day of June, 2022.

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

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

Declaration

State of Montana)
 :
County of Missoula)

I, Peter F. Lacny, 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 Datsopoulos, MacDonald & Lind, 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. My co-counsel Mr. Stephens is the current President of that Association. I am the immediate 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. Stephens and I have been unable to complete it under the current schedule. I have been preparing for a federal jury trial set to commence on July 11, 2022. That trial preparation has taken up a significant portion of the last three weeks. As to Mr. Stephens, Mr. Stephens' wife and oldest daughter were diagnosed with COVID. Mr. Stephens, being particularly high risk to severe complications from COVID, moved out of his house with his youngest daughter for 13 days. The move was sudden and disruptive. Mr. Stephens was unable to take the materials necessary to complete this appeal with him and

has only recently been able to access them again.

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 24th day of June, 2022.

DATSOPOULOS, MacDONALD & LIND, P.C.

/s/ Peter F. Lacny
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 06-24-2022:

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Electronically signed by Hannah Ellison on behalf of Peter Francis Lacny
Dated: 06-24-2022