

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 Fourth 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 three-week extension of time until approximately August 26, in which to prepare, file and serve the Appellant's Opening Brief in this matter.

This is Appellant's fourth 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 5th day of August, 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 was sole counsel in a federal criminal jury trial in July that took up a significant part of my workload in early and mid-July.
6. Significant portions of the opening brief are complete, but additional time is requested to finalize the brief.
7. 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 5th day of August, 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 08-05-2022:

Colin M. Stephens (Attorney)
315 W. Pine
Missoula MT 59802
Representing: Shandor Badaruddin
Service Method: eService

William Adam Duerk (Govt Attorney)
283 W Front, Ste 203
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 Madsen (Govt Attorney)
840 Helena Avenue
Helena MT 59601
Representing: State of Montana
Service Method: eService

David Ole Olson (Govt Attorney)
840 Helena Ave.
Helena MT 59601
Representing: State of Montana
Service Method: eService

Matthew Cuffe (Appellee)
512 California
Libby MT 59923
Service Method: Conventional

Marcia Jean Boris (Attorney)

Lincoln County Attorney
512 California Avenue
Libby MT 59923
Representing: State of Montana
Service Method: Conventional

Donald Manwell Falk (Attorney)
Four Embarcadero Center, Suite 1400
San Francisco CA 94111
Representing: Bryan Charles Tipp
Service Method: Conventional

Electronically signed by Hannah Ellison on behalf of Peter Francis Lacny
Dated: 08-05-2022