

FILED

10/21/2022

Bowen Greenwood
CLERK OF THE SUPREME COURT
STATE OF MONTANA

Case Number: DA 21-0474

ORIGINAL



IN THE SUPREME COURT OF THE STATE OF MONTANA
DA-21-0474

Joseph C. Connors, Jr.
Attorney for Appellant
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FILED

OCT 21 2022

Bowen Greenwood
Clerk of Supreme Court
State of Montana

ROGER L. ROWE,

Petitioner and Appellant,

v.

UNCONTESTED
MOTION FOR EXTENSION
OF TIME

MARI E. ROWE,

Respondent and Appellee.

Comes Now the Petitioner and Appellant, ROGER L. ROWE, by and through his attorney, Joseph C. Connors, Jr., and respectfully moves the Court for an Extension of Time to file the Opening Brief for this Appeal.

The reason for this Motion is that the parties has completed mandatory mediation. The mediation was completed on September 9, 2022. It was unsuccessful.

Due to Counsel for Petitioner and Appellant's schedule and needing additional time to complete the Opening Brief, an extension of seven (7) days is requested. The Opening Brief would be due on October 28, 2022.

Opposing Counsel for the Respondent and Appellee was contacted and he had no objection to this motion.

DATED THIS 21st day of October, 2022.

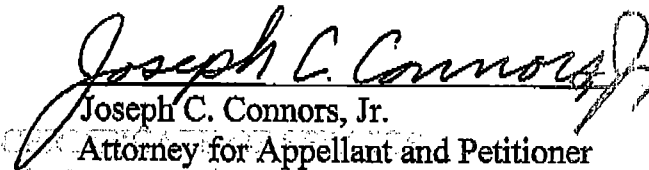
Joseph C. Connors, Jr.
Joseph C. Connors, Jr.
Attorney for Appellant and Petitioner

CERTIFICATE OF SERVICE

I hereby certify that I have filed a true and accurate copy of the foregoing **MOTION FOR EXTENSION OF TIME** with the Clerk of the Montana Supreme Court and that I have served true and accurate copies of the foregoing **MOTION FOR EXTENSION OF TIME** upon each attorney of record as follows:

Sean Bracken
Bracken Law Firm, PLLC
650 Colorado Gulch
Missoula, MT 59808

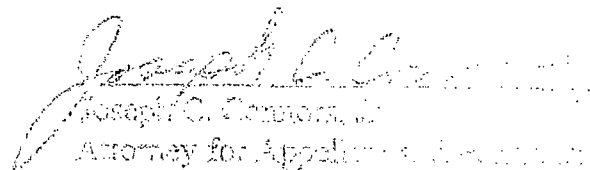
DATED THIS 21st day of October, 2022.


Joseph C. Connors, Jr.
Attorney for Appellant and Petitioner

I hereby certify that I have filed a true and accurate copy of the foregoing **MOTION FOR EXTENSION OF TIME** with the Clerk of the Montana Supreme Court and that I have served true and accurate copies of the foregoing **MOTION FOR EXTENSION OF TIME** upon each attorney of record as follows:

Sean Bracken
Bracken Law Firm, PLLC
650 Colorado Gulch
Missoula, MT 59808

DATED THIS 21st day of October, 2022.


Joseph C. Connors, Jr.
Attorney for Appellant and Petitioner

Joseph C. Connors, Jr.
 Attorney for Appellant
 Address: P.O. Box 197,
 Anaconda, MT 59711
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ROGER L. ROWE,

Petitioner and Appellant,

v.

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

MARI E. ROWE,

Respondent and Appellee.

STATE OF MONTANA)

County of Deer Lodge)

That I, Joseph C. Connors, Jr., being first duly sworn, deposes and says:

1. That I am the attorney for the Petitioner and Appellant, Roger L. Rowe.
2. That I currently work for the Office of the State Public Defender in Anaconda, Montana, covering primarily the Third Judicial District, which consists of Deer Lodge, Powell, and Granite counties.
3. That in the month of January of this year, I was assigned to the cases for the Montana State Prison due to several attorneys leaving our Butte, Montana office, including the attorney who handled the caseload previously. Vacancies in the Butte

office have recently been filled with two attorneys starting this month and two persons who recently passed the Montana bar exam. The Office of the State Public Defender held its Annual Conference in Missoula from October 5, 2022, through October 7, 2022. Most attorneys with the Office of the State Public Defender attended in person or via ZOOM to earn Continuing Legal Education credits.

4. The Prison caseload requires additional time to travel to the prison to see clients, and to wait for escorts to take you to the buildings to meet with the clients.

There are also times when visits are cancelled when I am at the prison due to security incidents, disciplinary problems, and there have been past shutdowns due to COVID.

There are also times that visits or escorts are delayed while I am there, due to the prison staff being short-handed or incidents happening at other parts of the prison complex. Scheduled visits have also been cancelled beforehand due to the prison staffing being insufficient or other security concerns.

5. That I also have been carrying a caseload of approximately 95 cases, including the prison cases. My colleagues and I have maximum caseloads due to the Office of Public Defender case weighting system. Cases that come in after the maximum in a month is reached are assigned to conflict counsel and contract attorneys. Even then, some cases come back and are still assigned to my colleagues and myself. When a prison client objects to venue and it moves to Silver Bow County, I stay with the case. As of this month, new prison cases have started to be assigned. Scheduled visits have also been cancelled beforehand due to the prison staffing being insufficient or other security concerns.

6. That I also have been carrying a caseload of approximately 95 cases, including the prison cases. My colleagues and I have maximum caseloads due to the Office of Public Defender case weighting system. Cases that come in after the maximum in a month is reached are assigned to conflict counsel and contract attorneys. Even then, some cases come back and are still assigned to my colleagues and myself. When a prison client objects to venue and it moves to Silver Bow County, I stay with the case. As of this month, new prison cases have started to be assigned. Scheduled visits have also been cancelled beforehand due to the prison staffing being insufficient or other security concerns.

assigned to a colleague out of the Butte office. However, I must finish the prison cases assigned to me previously. That includes nine (9) new cases filed during the latter part of September and an additional case that currently has four (4) prison defendants that has been filed by the State.

6. The Anaconda Office of Public Defender is considered a satellite office to the Butte office. The Anaconda Office consists of three attorneys and one Administrative Assistant. Two of the attorneys, including myself, have two homicide cases and the two of the attorneys have three or four sex offense cases.

7. That the parties and Court appointed mediator finally conducted a mandatory mediation on September 9, 2022, via ZOOM, which was unsuccessful.

8. I have prepared this affidavit in support of my Motion for Extension of Time (9th) and would request the Court to grant the motion.

Further affiant sayeth not

Dated this 21st day of October, 2022.

Joseph C. Connors, Jr.
Joseph C. Connors, Jr.
Attorney for Appellant and Petitioner

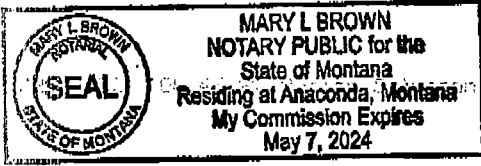
Further affiant sayeth not

Dated this 21st day of October, 2022

Subscribed and sworn to (or affirmed) before me this 21st day of October, 2022, before me, the undersigned, a Notary Public for the State of Montana, personally appeared, Joseph C. Connors, Jr., known to me to be the person whose name is subscribed to the within instrument and acknowledged to me that she executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my Official Seal, the day and year first above written.

Mary L. Brown

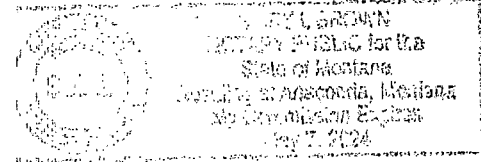


Printed Name: Mary L. Brown
Notary Public for the State of Montana
Residing At Anaconda, Montana
My Commission Expires: May 7, 2024

Subscribed and sworn to (or affirmed) before me this _____ day of _____, 2022, before me, the undersigned, a Notary Public for the State of Montana, personally appeared, Joseph C. Connors, Jr., known to me to be the person whose name is subscribed to the within instrument and acknowledged to me that she executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my Official Seal, the day and year first above written.

Mary L. Brown



Printed Name: Mary L. Brown
Notary Public for the State of Montana
Residing At Anaconda, Montana
My Commission Expires: May 7, 2024