

IN THE SUPREME COURT OF THE STATE OF MONTANA
Supreme Court No. DA 22-0303

FILED

11/14/2022

Bowen Greenwood
CLERK OF THE SUPREME COURT
STATE OF MONTANA

Case Number: DA 22-0303

ROBERT MATTHEW WITTAL,

Petitioner and Appellant,

v.

STATE OF MONTANA,

Respondent and Appellee.

**APPELLANT'S FOURTH UNOPPOSED MOTION
FOR EXTENSION OF TIME**

COMES NOW, Nicholas K. Brooke, counsel of record for Defendant and Appellant, and respectfully requests a 30-day extension of time to December 8th, 2022 to prepare, file and serve the Appellant's opening brief in the above-entitled matter. The Appellant's Opening Brief is currently due on November 8th, 2022. This is Appellant's FOURTH extension request for the brief.

The reason for this Motion is that counsel needs additional time to review the voluminous proceedings and prepare an appeal. Opposing counsel has been contacted concerning this motion and **does not object**.

Dated this 11th day of November, 2022.

/s/ Nick K. Brooke

Nick K. Brooke

STEPHENS BROOKE, P.C.

Attorney for Petitioner and Appellant

STATE OF MONTANA)
 : ss.
County of Missoula)

I, Nicholas K. Brooke, pursuant to § 1-1-203, MCA, declare:

1. I am a licensed, practicing attorney in the State of Montana, and am currently employed at Stephens Brooke, P.C.
2. The Appellant's Opening Brief was initially due on August 8th, 2022 and it is currently due on November 8th, 2022. This is the Appellant's fourth request for an extension of time.
3. The reason for this Motion is that counsel needs additional time to review the voluminous proceedings and prepare an appeal. This petition for post conviction relief concerned a lengthy homicide trial with numerous transcripts and other filings.
4. The State has been contacted and does not object to this extension.

/s/ Nick K. Brooke
Nick K. Brooke
Stephens Brooke, P.C.
Attorney for Defendant & Appellant

CERTIFICATE OF SERVICE

I, Nick Kirby Brooke, hereby certify that I have served true and accurate copies of the foregoing Motion - Unopposed to the following on 11-11-2022:

Austin Miles Knudsen (Govt Attorney)
215 N. Sanders
Helena MT 59620
Representing: State of Montana
Service Method: eService

Travis R. Ahner (Govt Attorney)
820 South Main Street
Kalispell MT 59901
Representing: State of Montana
Service Method: eService

Electronically Signed By: Nick Kirby Brooke
Dated: 11-11-2022