

IN THE SUPREME COURT OF THE STATE OF MONTANA

No. DA 21-0499

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STATE OF MONTANA,

Plaintiff and Appellee,

v.

ESANDRO ROMAN RODRIGUEZ,

Defendant and Appellant.

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

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COMES NOW, Jeavon Lang, Assistant Appellate Defender for the Appellate Defender Division, and respectfully requests an extension of time until January 23, 2023, in which to prepare, file, and serve the Appellant's opening brief in the above-entitled matter. This is Appellant's eleventh request for an extension. Appellant's opening brief was first due February 22, 2022. Appellant's opening brief is currently due December 23, 2022. Appellant submits the attached affidavit in support of this motion.

Opposing counsel has been contacted and has no objection.

Respectfully submitted this 15th day of December 2022.

OFFICE OF STATE PUBLIC DEFENDER  
APPELLATE DEFENDER DIVISION  
P.O. Box 200147  
Helena, MT 59620-0147

By: /s/ Jeavon Lang  
JEAVON LANG  
Assistant Appellate Defender

[illegible]

I, Jeavon Lang, in compliance with M. R. App. P. 26(2), declare:

1. I am a licensed, practicing attorney in the State of Montana,  
and I am currently employed by the Office of State Public Defender,  
Appellate Defender Division (ADD), as an Assistant Appellate  
Defender.

2. I have been assigned to handle *State v. Rodriguez* (DA 21-0499).

3. Appellant's opening brief was first due February 22, 2022. The brief is presently due December 23, 2022. This is Appellant's eleventh extension request, but it is my first request since being assigned as counsel. I am requesting an extension of 30 days to submit the opening brief.

4. I am in substantial need of an extension. I was recently assigned to this case. I will be unable to review the record, research the law, and write a brief within the remaining time allotted.

5. I am also counsel of record in *State v. Wright* (DA 21-0380), *City of Whitefish v. Zumwalt* (DA 21-0500), *In the Matter of: N.T., A*

*Youth* (DA 21-0583) and *State v. Stokes* (DA 21-0511). Opening briefs are also pending in these cases. Once I finish these four opening briefs, I will begin working on this case.

6. The State has been contacted and does not object to this request.

7. I will work diligently to complete the matter in the time requested.

8. I declare under penalty of perjury that the above is true and correct.

/s/ Jeavon C. Lang  
Jeavon C. Lang, Helena, MT

December 15, 2022  
Date

## **CERTIFICATE OF SERVICE**

I, Jeavon C. Lang, hereby certify that I have served true and accurate copies of the foregoing Motion - Unopposed to the following on 12-15-2022:

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

Joshua A. Racki (Govt Attorney)  
121 4th Street North  
Suite 2A  
Great Falls MT 59401  
Representing: State of Montana  
Service Method: eService

Electronically signed by Kim Harrison on behalf of Jeavon C. Lang  
Dated: 12-15-2022