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Attorney for Defendant

**MONTANA EIGHTH JUDICIAL DISTRICT COURT, CASCADE COUNTY
BEFORE THE HONORABLE JOHN A. KUTZMAN**

STATE OF MONTANA,
Plaintiff

vs

MATTHEW ANDREW SOTTO,

Defendant.

Cause No. CDC-21-601

**DECLARATION OF
COUNSEL**

1. On November 4th, 2022 the Court issued its sentencing order, judgement, bond exoneration, and order to close.
2. The reason for the late referral is due to the timing in which Mr. Sotto requested the appeal. It was never communicated to Mr. Sotto's counsel that an appeal was requested. Counsel only received notice of this at the beginning of January.
3. Given the fact that Mr. Sotto asked for the appeal at the time he did, counsel would request that the Court allows the late submission.
4. On January 4th, 2023 I submitted the case to the Appellate Defender Division for an Out-Of-Time Appeal.
5. Not permitting Mr. Sotto to appeal based on his late submission would constitute a gross miscarriage of justice and unduly punish Mr. Sotto for matters outside his control.

I declare under penalty of perjury pursuant to the laws of the State of Montana that the foregoing statement is true and correct to the best of my knowledge, information and belief.

Date: THIS 5th day of January, 2023.

/s/  _____