

IN THE SUPREME COURT OF THE STATE OF MONTANA

No. DA 21-0499

STATE OF MONTANA,

Plaintiff and Appellee,

v.

ESANDRO ROMAN RODRIGUEZ,

Defendant and Appellant.

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

COMES NOW, Michael Marchesini, Assistant Appellate Defender for the Appellate Defender Division, and respectfully requests an extension of time until March 24, 2023, in which to prepare, file, and serve the Appellant's opening brief in the above-entitled matter. This is Appellant's thirteenth request for an extension. Appellant's opening brief was initially due February 22, 2022. Appellant's opening brief is presently due February 22, 2023. 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 February, 2023.

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

By: /s/ Michael Marchesini
MICHAEL MARCHESINI
Assistant Appellate Defender

[illegible]

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

1. I am a licensed, practicing attorney in the State of Montana.

I am employed by the Office of State Public Defender, Appellate
Defender Division (ADD), as an Assistant Appellate Defender.

2. I have been assigned to represent the Appellant in *State v. Esandro Rodriguez* (DA 21-0499).

3. Appellant's opening brief was first due February 22, 2022.

The brief is currently due February 22, 2023.

4. This is Appellant's thirteenth request for an extension. This is the second request for an extension since I personally took over the case. I am requesting an additional 30 days to file the opening brief.

5. The Appellant is currently incarcerated.

6. I am in substantial need of an extension. Because I was only recently assigned this case, I only recently began my review of the record. The lower court record consists of a five-day jury trial, several pre-trial hearings, and roughly 1,500 pages of district court documents

and exhibits. I require additional time to review the record, identify legal issues, and prepare an opening brief. I will be unable to complete the brief within the previously allotted time.

7. In addition to this case, I am counsel of record in the following pending appeals: *State v. Severson* (DA 21-0290); *Kalispell v. Rave* (DA 21-0509); *State v. Allen* (DA 21-0621); and *City of Miles City v. Shipley* (DA 21-0576).

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

9. Counsel for the State does not object to this request.

10. I declare under penalty of perjury that the foregoing is true and correct.

/s/ Michael Marchesini
Michael Marchesini, Helena, Montana

February 15, 2022
Date

CERTIFICATE OF SERVICE

I, Michael Marchesini, hereby certify that I have served true and accurate copies of the foregoing Motion - Unopposed to the following on 02-15-2023:

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 Pamela S. Rossi on behalf of Michael Marchesini
Dated: 02-15-2023