

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

4. This is Appellant's fourteenth request for an extension. This is the third 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. I recently completed my review of the lower court record, which consists of a five-day jury trial, several pre-trial hearings, and roughly 1,500 pages of district court documents and exhibits. Although I have conducted legal

research and identified potential issues for appeal, I require additional time to draft the opening brief, review it with the Appellant, and finalize it. I will not be able to submit 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 *State v. Peterson* (DA 21-0646).

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

March 15, 2023  
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 03-15-2023:

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 Jolene Carscallen on behalf of Michael Marchesini  
Dated: 03-15-2023