

**IN THE SUPREME COURT OF THE STATE OF MONTANA****No. DA 22-0414**

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**STATE OF MONTANA,****Plaintiff and Appellee,****v.****ANDREW JAMES McCURDY,****Defendant and Appellant.**

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

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COMES NOW, Carolyn Gibadlo, Assistant Appellate Defender for the Appellate Defender Division, and respectfully requests an extension of time until August 11, 2023, in which to prepare, file, and serve the Appellant's opening brief in the above-entitled matter. This is Appellant's tenth request for an extension. Appellant's opening brief was first due October 11, 2022. Appellant's opening brief is currently due July 12, 2023. Appellant submits the attached affidavit in support of this motion.

Opposing counsel has been contacted and has no objection.

Respectfully submitted this 3rd day of July 2023.

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

By: /s/ Carolyn Gibadlo  
CAROLYN GIBADLO  
Assistant Appellate Defender

[illegible]

I, Carolyn Gibadlo, 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. McCurdy* (DA 22-0414).

3. Appellant's opening brief was first due October 11, 2022. The brief is presently due July 12, 2023. This is Appellant's tenth extension request but is the first extension request made by Appellant's current 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. Westfall* (DA-21-571) and *State v. Bryson* (DA 22-88). Opening briefs or reply briefs are pending in these cases.

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/ Carolyn Gibadlo  
Carolyn Gibadlo,  
Helena, MT

July 3, 2023  
Date

## **CERTIFICATE OF SERVICE**

I, Carolyn Marlar Gibadlo, hereby certify that I have served true and accurate copies of the foregoing Motion - Unopposed to the following on 07-03-2023:

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

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

Electronically signed by Kim Harrison on behalf of Carolyn Marlar Gibadlo  
Dated: 07-03-2023