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COUNSEL FOR PLAINTIFF AND APPELLEE

IN THE SUPREME COURT OF THE STATE OF MONTANA

No. DA 22-0059

STATE OF MONTANA,

Plaintiff and Appellee,

v.

ROBERT AYRES DASILVA, JR.,

Defendant and Appellant.

**MOTION FOR EXTENSION OF TIME
AND DECLARATION IN SUPPORT**

The Appellee, State of Montana, respectfully requests a 60-day extension of time until September 12, 2023, in which to prepare, serve, and file its response brief

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in the above-entitled matter. In support of this motion, undersigned counsel respectfully submits the following Declaration.

Respectfully submitted this 6th day of July, 2023.

AUSTIN KNUDSEN
Montana Attorney General
Justice Building
P.O. Box 201401
Helena, MT 59620-1401

By: /s/ Mardell Ployhar
MARDELL PLOYHAR
Assistant Attorney General

DECLARATION

Pursuant to Mont. Code Ann. § 1-6-105, I, Mardell Ployhar, hereby declare as follows:

1. I am a licensed, practicing attorney in the State of Montana, and am currently employed by the Montana Department of Justice, Office of Attorney General, Appellate Services Bureau, as an Assistant Attorney General.
2. In my capacity as Assistant Attorney General, I have been assigned to handle the above-entitled matter.
3. The State's Appellee's brief was originally due on June 14, 2023, and is presently due on July 14, 2023. This is the State's second Motion for Extension of Time, and the State is requesting a 60-day extension to file the State's brief.

4. I have been unable to complete this brief due to my workload. In the past 30 days, I have prepared for and provided a presentation for the Montana County Attorneys Association, in addition to attending the three-day conference. Additionally, I filed a response to a Rule 60(b) motion in a federal habeas case. I also drafted my response brief in *Burchill v. State*, DA 22-0429, which will be filed soon.

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

6. Opposing counsel has been contacted and does not object.

7. I hereby declare under penalty of perjury under the laws of the United States of America and the State of Montana that the foregoing is true and correct.

Respectfully submitted this 6th day of July, 2023.

/s/ Mardell Ployhar
MARDELL PLOYHAR

CERTIFICATE OF SERVICE

I, Mardell Lynn Ployhar, hereby certify that I have served true and accurate copies of the foregoing Motion - Unopposed to the following on 07-06-2023:

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Service Method: eService

Austin Miles Knudsen (Govt Attorney)
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Electronically signed by LaRay Jenks on behalf of Mardell Lynn Ployhar
Dated: 07-06-2023