

AUSTIN KNUDSEN
Montana Attorney General
MARDELL PLOYHAR
Assistant Attorney General
215 North Sanders
P.O. Box 201401
Helena, MT 59620-1401
Phone: 406-444-2026
mployhar@mt.gov

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 14-day extension of time until September 26, 2023, in which to prepare, serve, and file its response brief

///

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

Respectfully submitted this 5th day of September, 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 September 12, 2023. This is the State's third Motion for

Extension of Time, and the State is requesting a 14-day extension to file the State's brief.

4. I have been unable to complete my brief in this case due to my workload. In the past 30 days, I have drafted and filed briefs in *State v. Goodman*, DA 21-0485; *State v. Stokes*, DA 21-0511; and *State v. Kelly*, 21-0606.

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 5th day of September, 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 09-05-2023:

Chad M. Wright (Attorney)
P.O. Box 200147
Helena MT 59620-0147
Representing: Robert Ayres DaSilva
Service Method: eService

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

Layla Turman (Attorney)
PO Box 3493
Missoula MT 59806
Representing: Robert Ayres DaSilva
Service Method: eService

Mardell Lynn Ployhar (Govt Attorney)
215 N. Sanders
Helena MT 59620-1401
Service Method: eService
E-mail Address: MPloyhar@mt.gov

Electronically signed by LaRay Jenks on behalf of Mardell Lynn Ployhar
Dated: 09-05-2023