

## IN THE SUPREME COURT OF THE STATE OF MONTANA

No. DA 22-0484

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STATE OF MONTANA,

Plaintiff and Appellee,

v.

ANDREW JOHN SMITH,

Defendant and Appellant.

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

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COMES NOW, Colin M. Stephens, Stephens Brooke P.C., and respectfully requests an extension of time until November 27, 2023, in which to prepare, file, and serve the Appellant's opening brief in the above-entitled matter. This is Appellant's eleventh request for an extension. Appellant's opening brief was first due December 21, 2022. Appellant's opening brief is currently due October 23, 2023. Appellant submits the attached affidavit in support of this motion.

An attempt has been made to contact counsel for the State but no response was received. Therefore, the State's position is **unknown**.

Respectfully submitted this 23rd day of October 2023.

Stephens Brooke P.C.  
315 W. Pine  
Missoula, MT 59807

By: /s/ Colin M. Stephens  
Colin M. Stephens

STATE OF MONTANA       )  
  : ss.  
County of Missoula       )

I, Colin M. Stephens, 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 contracting on this case with the Appellate Defender Division, (ADD), as the Appellate Defender Division Administrator.

2.     I have also just returned from a previously scheduled family vacation. While I have been working diligently the transcript and the record in this case is very large. Additionally, I am preparing for a possible contested hearing before the Commission on Practice in *In the Matter of Meghan Doud*. That has taken a sizeable portion of my October.

3.     Although this is the 11<sup>th</sup> total request, it is only my second.

4.     Although I have diligently reviewed significant portions of the record, I have been unable to review the transcripts and prepare the Appellant's Opening Brief. I will require additional time to prepare the Brief and consult with the Appellant.

5.     I have attempted to contact the State regarding its position

to this requested extension of time but have yet to receive a response.

Dated this 23rd day of October 2023.

/s/ Colin M. Stephens  
Colin M. Stephens, Missoula, MT

October 23, 2023  
Date



## **CERTIFICATE OF SERVICE**

I, Colin M. Stephens, hereby certify that I have served true and accurate copies of the foregoing Motion - Extension of Time to the following on 10-23-2023:

Chad M. Wright (Attorney)  
P.O. Box 200147  
Helena MT 59620-0147  
Representing: Andrew John Smith  
Service Method: eService

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

Diane V. Cochran (Govt Attorney)  
Fergus County Attorney  
801 W. Broadway St.  
Lewistown MT 59457  
Representing: State of Montana  
Service Method: eService

Electronically Signed By: Colin M. Stephens  
Dated: 10-23-2023