

IN THE SUPREME COURT OF THE STATE OF MONTANA

No. DA 22-0681

STATE OF MONTANA,

Plaintiff and Appellee,

v.

ANDREW DAVID SHEROD,

Defendant and Appellant.

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

COMES NOW, Michael Marchesini, Assistant Appellate Defender for the Appellate Defender Division, and respectfully requests an extension of time until December 13, 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 initially due February 13, 2023. Appellant's opening brief is presently due November 13, 2023. Appellant submits the attached affidavit in support of this motion.

Opposing counsel has been contacted and has no objection.

Respectfully submitted this 1st day of November, 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

STATE OF MONTANA)
 : ss.
County of Gallatin)

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.*
Andrew Sherod (DA 22-0681).

3. Appellant's opening brief was first due February 13, 2022.
The brief is currently due November 13, 2023.

4. This is Appellant's tenth request for an extension. This is the
first request for an extension since I personally took over the case. I am
requesting an additional 30 days to file the opening brief.

5. To my knowledge, the appellant is currently incarcerated.

6. I am in substantial need of an extension. I am currently
working on older cases I was assigned before this case. I have not yet
had time to begin my review of the record in this case. I will be unable
to complete 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); *State v. Rodriguez* (DA 21-0499); *State v. Peterson* (DA 21-0646); *State v. Whitaker* (DA 22-0083); *State v. Baldwin* (DA 22-0550); *Matter of M.T.H.* (DA 22-0014); and *State v. Ragsdale* (DA 22-0569).

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, Bozeman, MT

October 31, 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 11-01-2023:

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

Scott D. Twito (Govt Attorney)
PO Box 35025
Billings MT 59107
Representing: State of Montana
Service Method: eService

Electronically signed by Pamela S. Rossi on behalf of Michael Marchesini
Dated: 11-01-2023