

IN THE SUPREME COURT OF THE STATE OF MONTANA

No. DA 23-0305

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STATE OF MONTANA,

Plaintiff and Appellee,

vs.

NEIL DENNIS COLE,

Defendant and Appellant.

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

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COMES NOW, Chad Wright, 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 fourth request for an extension. Appellant's opening brief was first due August 14, 2023. Appellant's opening brief is currently 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 6th day of November 2023.

OFFICE OF STATE PUBLIC DEFENDER  
APPELLATE DEFENDER DIVISION

P.O. Box 200147  
Helena, MT 59620-0147

By: /s/ Chad Wright  
CHAD WRIGHT  
Appellate Defender

[illegible]

I, Chad Wright, 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 Appellate Defender Division,  
(ADD), as the Appellate Defender Division Administrator.

2. ADD has now filled its open vacancy and continues to use more contract attorneys to address its backlog. I am attempting to identify which ADD or contract attorney is best able to assume responsibility for the above-entitled appeal given the attorney's individual caseload.

3. Additional time will be needed for assigned counsel to be able to provide effective assistance of counsel.

4. Opposing counsel has been contacted concerning this motion and does not object.

/s/ Chad Wright  
Chad Wright, Helena, MT

November 6, 2023  
Date

## **CERTIFICATE OF SERVICE**

I, Chad M. Wright, hereby certify that I have served true and accurate copies of the foregoing Motion - Unopposed to the following on 11-06-2023:

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

Kirsten H. Pabst (Govt Attorney)  
200 W. Broadway  
Missoula MT 59802  
Representing: State of Montana  
Service Method: eService

Electronically signed by Stefanie Moore on behalf of Chad M. Wright  
Dated: 11-06-2023