

IN THE SUPREME COURT OF THE STATE OF MONTANA

No. DA 23-0142

STATE OF MONTANA,

Plaintiff and Appellee,

v.

CHEYENE LEILANI – AMBER ZIELIE,

Defendant and Appellant.

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

COMES NOW, Kristina L. Neal, Assistant Appellate Defender for the Appellate Defender Division, and respectfully requests an extension of time until May 6, 2024, 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 May 8, 2023. Appellant's opening brief is currently due April 5, 2023. Appellant submits the attached affidavit in support of this motion.

Opposing counsel has been contacted and has no objection.

Respectfully submitted this 25th day of March, 2024.

OFFICE OF STATE PUBLIC DEFENDER
APPELLATE DEFENDER DIVISION

P.O. Box 200147

Helena, MT 59620-0147

By: /s/ Kristina L. Neal

KRISTINA L. NEAL

Assistant Appellate Defender

[illegible]

I, Kristina L. Neal, in compliance with M. R. App. P. 26(2),
declare:

1. I am a licensed, practicing attorney in the State of Montana, and am currently employed by the Appellate Defender Division, as an Assistant Appellate Defender.

2. In that capacity, I was assigned to handle *State v. Ziele* (DA 22-0142) on January 5, 2024.

3. Appellant's opening brief was first due March 8, 2023.

Appellant's opening brief is currently due April 5, 2024. This is Appellant's eleventh extension request, but is only my second extension request in this matter. I am requesting an extension of 30 days.

4. I am also counsel of record in five (5) other appeals: *State v. Crazy mule* (DA 21-0574), *State v. Bennett* (DA 21-0551), *State v. Tunnell* (DA 22-0248), *State v. Rossbach* (DA 20-0604), and *State v. Knowles* (DA 22-0363).

5. I review and complete my cases in the order in which they were assigned to me or previous counsel, unless the particular

circumstances of a case warrant prioritization of a newer appeal over older appeals. All of my other appeals have been pending longer than Ms. Ziele's appeal.

6. This case is my most recent assignment. I request an extension of 30 days to review the record on appeal, conduct legal research, consult with my client, and prepare the opening brief. Ms. Zielie is currently in a DOC treatment facility.

7. Since my last extension request, I have filed the reply brief in *Rosbach* (2/21/24) and am working on the opening brief to be filed in *Knowles* (due 3/22/24).

8. I will continue to work diligently to complete this matter in the time requested.

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

10. I declare under penalty of perjury that the foregoing is true and correct.

/s/ Kristina L. Neal
KRISTINA L. NEAL
Helena, Montana

March 25, 2024
Date

CERTIFICATE OF SERVICE

I, Kristina L. Neal, hereby certify that I have served true and accurate copies of the foregoing Motion - Unopposed to the following on 03-25-2024:

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

Electronically signed by Kim Harrison on behalf of Kristina L. Neal
Dated: 03-25-2024