

**IN THE SUPREME COURT OF THE STATE OF MONTANA
DA 22-0556**

STATE OF MONTANA,

Plaintiff and Appellee,

v.

PITASKUMMAPI DAVID GREEN,

Defendant and Appellant.

**FIFTH UNOPPOSED MOTION FOR EXTENSION OF TIME TO
FILE OPENING BRIEF AND DECLARATION IN SUPPORT**

COMES NOW, Defendant and Appellant, PITASKUMMAPI
DAVID GREEN, by and through his counsel of record, Penelope S.
Strong, pursuant Mont. R. App. Pro. 26 (1), and respectfully moves the
Court for an Extension of Time to File Appellant's Opening Brief from
May 20, 2024, to May 29, 2024.

The basis for this motion is contained in the attached Unsworn
Declaration.

DATED this 20th day of May, 2024.

/s/ Penelope S. Strong
PENELOPE S. STRONG
Attorney for Defendant and Appellant

DECLARATION

Pursuant to Mont. Code Ann. § 1-6-105, I Penelope S. Strong,
hereby declare as follows:

1. I am a licensed, practicing attorney in the State of Montana,
and am a sole practitioner with a full time caseload.
2. Public Defender cases are a significant portion of my current
case load, and for the upcoming week, I have significant out of
county travel for two cases, and two evidentiary hearings that
will take two days.
3. I am also preparing for a negligent homicide jury trial on June
3, and have preparation this week on that case.
4. My legal assistant also has vacation leave most of this week,
and I need her assistance to finalize the opening brief in this
case.

5. The Opening Brief is presently due on May 20, 2024. This is Appellant's Fifth Motion for Extension of Time, and is requesting a 9 day extension to file the Opening Brief.
6. I am currently working on the brief in this case, but am not able to complete it before it is due.
7. I will work diligently to complete the matter in the time requested, which will not unduly delay this matter.
8. Opposing counsel has been contacted and does not object.
9. 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.

DATED this 20th day of May, 2024.

/s/ Penelope S. Strong
PENELOPE S. STRONG
Attorney for Defendant and Appellant

CERTIFICATE OF SERVICE

I, hereby certify that I have filed a true and accurate copy of the foregoing with the Clerk of the Montana Supreme Court; and that I have served true and accurate copies of the foregoing upon each attorney of record, and each party not represented by attorney in the above-referenced District Court action as follows:

Austin Miles Knudsen
Montana Attorney General
215 N. Sanders
Helena, MT 59620
Service Method: eService

Tammy Plubell (Govt Attorney)
Appellate Bureau Chief
215 N. Sanders
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Kirsten H. Pabst (Govt Attorney)
Missoula County Attorney
200 W. Broadway
Missoula, MT 59802
Service Method: eService

Dated this 20th day of May, 2024.

/s/ Julie K. Palmersheim
Julie K. Palmersheim

CERTIFICATE OF SERVICE

I, Penelope S. Strong, hereby certify that I have served true and accurate copies of the foregoing Motion - Unopposed to the following on 05-20-2024:

Chad M. Wright (Attorney)
P.O. Box 200147
Helena MT 59620-0147
Representing: Pitaskummapi David Green
Service Method: eService

Austin Miles Knudsen (Govt Attorney)
215 N. Sanders
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Representing: State of Montana
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Matthew C. Jennings (Govt Attorney)
200 W. Broadway
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Representing: State of Montana
Service Method: eService

Electronically Signed By: Penelope S. Strong
Dated: 05-20-2024