

IN THE SUPREME COURT OF THE STATE OF MONTANA

No. DA 23-0307

STATE OF MONTANA,

Plaintiff and Appellee,

vs.

ROBERT MICHAEL ZERMENO,

Defendant and Appellant.

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

COMES NOW, Alexander H. Pyle, Assistant Appellate Defender for the Appellate Defender Division, and respectfully requests an extension of time until July 5, 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 initially due August 4, 2023. Appellant's opening brief is presently due June 5, 2024. Appellant submits the attached affidavit in support of this motion.

Opposing counsel has been contacted and has no objection.

Respectfully submitted this 28th day of May, 2024.

OFFICE OF STATE PUBLIC DEFENDER
APPELLATE DEFENDER DIVISION
P.O. Box 200147
Helena, MT 59620-0147

By: /s/ Alexander H. Pyle
ALEXANDER H. PYLE
Assistant Appellate Defender

STATE OF MONTANA)
: ss.
County of Lewis and Clark)

I, Alexander H. Pyle, pursuant to M. R. App. P. 26(2), declare:

1. I am a licensed, practicing attorney in the State of Montana.

I am an Assistant Appellant Defender with the Appellate Defender
Division of the Office of State Public Defender.

2. I represent the Appellant in *State v. Zermeno* (DA 23-0307).

Appellant is in prerelease.

3. Appellant's opening brief was initially due August 4, 2023.

The opening brief is currently due June 5, 2024.

4. This motion is for an eleventh 30-day extension of time to
file the opening brief. This is the second extension I have requested
since becoming counsel of record.

5. An extension is necessary to complete and file the opening
brief.

6. In addition to this case, I am counsel of record in the
following ongoing appeals: *State v. Santoro* (DA 21-0585) (fully briefed);
State v. Marfuta (DA 22-0465) (fully briefed); *State v. Dominguez* (DA
22-0019) (fully briefed); *State v. Sharp* (DA 22-0717) (opening brief

pending); *State v. Denny* (DA 23-0337) (opening brief pending); *State v. Proctor* (DA 23-0409) (opening brief pending); and *State v. Grimshaw* (DA 22-0463) (briefing schedule stayed).

7. I will work diligently in the time requested.
8. The State has been contacted and does not object to this motion.
9. I declare under penalty of perjury that the foregoing is true and correct.

/s/ Alexander H. Pyle
Alexander H. Pyle, Helena, Montana

May 28, 2024
Date

CERTIFICATE OF SERVICE

I, Alexander H. Pyle, hereby certify that I have served true and accurate copies of the foregoing Motion - Unopposed to the following on 05-28-2024:

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 Alexander H. Pyle
Dated: 05-28-2024