

IN THE SUPREME COURT OF THE STATE OF MONTANA

No. DA 23-0437

STATE OF MONTANA,

Plaintiff and Appellee,

v.

MICHAEL MITCHELL,

Defendant and Appellant.

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

COMES NOW, Tammy A. Hinderman, Division Administrator for the Appellate Defender Division, and respectfully requests a 60-day extension of time until April 11, 2025, in which to prepare, file, and serve the Appellant's opening brief in the above-entitled matter. Appellant's opening brief was first due May 10, 2024. Appellant's opening brief is currently due February 10, 2025. Appellant submits the attached affidavit in support of this motion.

Opposing counsel has been contacted and has no objection.

Respectfully submitted this 3rd day of February 2025.

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

By: /s/ Tammy A. Hinderman
TAMMY A. HINDERMAN
Division Administrator

I, Tammy A. Hinderman, pursuant to M. R. App. P. 26(2) and Mont. Code Ann. § 1-1-203(1), declare:

1. I am a licensed practicing attorney in the State of Montana. I was recently hired as the Division Administrator for the Appellate Defender Division (ADD).

2. As of January 31, 2025, ADD will have three vacancies due to the departure of attorneys from the office. We have posted these open positions; however, these vacancies will necessarily require the reassignment of the departing attorneys' cases to other attorneys in the office and additional delay in the process of assigning pending cases to a smaller number of ADD attorneys.

3. ADD 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.

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

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

/s/ Tammy A. Hinderman
Tammy A. Hinderman

February 3, 2025
Date

CERTIFICATE OF SERVICE

I, Tammy Ann Hinderman, hereby certify that I have served true and accurate copies of the foregoing Motion - Unopposed to the following on 02-03-2025:

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

Steven C. Haddon (Govt Attorney)
P.O. Box H
Boulder MT 59632
Representing: State of Montana
Service Method: eService

Electronically signed by Zoe McBride on behalf of Tammy Ann Hinderman
Dated: 02-03-2025