

IN THE SUPREME COURT OF THE STATE OF MONTANA

No. DA 24-0058

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STATE OF MONTANA,

Plaintiff and Appellee,

v.

VIDAL X NOTAFRAID JR.,

Defendant and Appellant.

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

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COMES NOW, Nicholas T. Hine, Attorney for Appellant Vidal X Notafraid Jr., and respectfully requests an extension of time until April 3, 2025, 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, and the first extension sought since undersigned counsel appeared in this case. Appellant's opening brief was first due April 3, 2024. Appellant's opening brief is currently due March 4, 2025. 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 February, 2025.

/s/ Nicholas T. Hine

NICHOLAS T. HINE

Attorney for Appellant

I, Nicholas T. Hine, 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 a Contract Attorney with the Office of State Public Defender, Appellate Defender Division.

2. Appellant's opening brief was first due April 3, 2024. Appellant's opening brief is currently due March 4, 2025. I entered an appearance in this matter on January 28, 2024.

3. This is Appellant's eleventh request for an extension, and the first extension sought since undersigned counsel appeared in this case.

4. I am requesting an extension of 30 days to submit the opening brief. I need additional time to research and examine the issues presented in this appeal. I will be unable to review the record, research the law, and write a brief within the remaining time allotted.

5. I am also counsel of record in *State v. Mann* (DA 23-0380), *Kapps v. State* (DA 23-0646), *In the Matter of P.S.* (DA 23-0672), *In the Matter of L.S.M.* (DA 24-0079), and *State v. Powell* (DA 24-0116).

Opening briefs are pending in three of these cases. Additionally, I represent Mr. NotAfraid in another case on appeal, DA 24-0059.

6. The State has been contacted and does not object to his request.

7. I will work diligently to complete the matter in the time requested.

8. I declare under penalty of perjury that the above is true and correct.

/s/ Nicholas T. \_\_\_\_\_  
NICHOLAS T. HINE  
Attorney for Appellant

February 25, 2025  
Date

## **CERTIFICATE OF SERVICE**

I, Nicholas T. Hine, hereby certify that I have served true and accurate copies of the foregoing Motion - Unopposed to the following on 02-25-2025:

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

Scott D. Twito (Govt Attorney)  
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Kristina L. Neal (Attorney)  
3503 Harmony Road, Helena MT 59602  
Helena MT 59602  
Representing: Vidal X Notafraid Jr.  
Service Method: eService

Electronically Signed By: Nicholas T. Hine  
Dated: 02-25-2025