

IN THE SUPREME COURT OF THE STATE OF MONTANA

No. DA 24-0252

STATE OF MONTANA,

Plaintiff and Appellee,

v.

DONALD PAUL ROGERS,

Defendant and Appellant.

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

COMES NOW, Kristen L. Peterson, Assistant Appellate Defender for the Appellate Defender Division, and respectfully requests a 60-day extension of time until June 13, 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 June 13, 2024. Appellant's opening brief is currently due April 14, 2025. Appellant submits the attached affidavit in support of this motion.

Opposing counsel has been contacted and has no objection.

Respectfully submitted this 7th day of April 2025.

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

By: /s/ Kristen L. Peterson
KRISTEN L. PETERSON
Assistant Appellate Defender

I, Kristen L. Peterson, in compliance with 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, and I am currently employed by the Appellate Defender Division, (ADD), as an Assistant Appellate Defender.

2. I was assigned to handle the above-entitled matter on February 24, 2025. The client is currently in the WATCH program.

3. Appellant's opening brief was first due June 13, 2024, and is presently due April 14, 2025. This is ADD's tenth extension request overall, and my first request. All previous extension requests were for 30 days except for one 60-day request. This is a 60-day request.

4. I am in substantial need of an extension due to my caseload and internal administrative duties I have been assigned to complete in my 0.5 FTE position. I recently filed a reply brief in *State v. Gravelle*, DA 23-0441 (filed April 1, 2025). I am currently working on *State v. Kraft*, DA 23-0690 (opening brief due May 23, 2025), and *In re T.W.*, DA 22-0645 (oral argument April 30, 2025). I am counsel on the following additional cases: *In re O.K.*, DA 23-0335 (Appellee's brief currently due May 2, 2025); *State v. Allen*, DA 22-0651, DA 22-0678, DA 22-0679, DA

22-0680 (appeals currently stayed and remanded); and *State v. Rogers*, DA 24-0626 (opening brief currently due June 3, 2025). Additionally, as a senior attorney, I typically complete internal duties on a weekly basis related to agency-wide training within OPD.

5. This matter is currently my third priority case after *Kraft* and *In re T.W.*, cases which I expect will consume most of my time in the next 30 days. Sixty days is being requested to allow me to complete those matters and then begin work on this case. I will work diligently to complete this matter in the time requested.

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

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

/s/ Kristen L. Peterson
Kristen L. Peterson

April 7, 2025
Date

CERTIFICATE OF SERVICE

I, Kristen Lorraine Peterson, hereby certify that I have served true and accurate copies of the foregoing Motion - Unopposed to the following on 04-07-2025:

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

William E. Fulbright (Govt Attorney)
205 Bedford St #C
Hamilton MT 59840
Representing: State of Montana
Service Method: eService

Electronically signed by Kim Harrison on behalf of Kristen Lorraine Peterson
Dated: 04-07-2025