

IN THE SUPREME COURT OF THE STATE OF MONTANA

No. DA 24-0366

STATE OF MONTANA,

Plaintiff and Appellee,

v.

ZACHERY ROBERT BAKER,

Defendant and Appellant.

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

COMES NOW, Joseph P. Howard, counsel of record for Appellant, and respectfully requests an extension of time until June 20, 2025, in which to prepare, file, and serve the Appellant's opening brief in the above-entitled matter. This is Appellant's ninth request for an extension. Appellant's opening brief was first due August 15, 2024. Appellant's opening brief is presently due May 21, 2025. Appellant submits the attached affidavit in support of this motion.

Opposing counsel has been contacted and has no objection.

Respectfully submitted this 14th day of May, 2025.

JOSEPH P. HOWARD, P.C.

Joseph P. Howard

PO Box 1928

Helena, MT 59624

By: /s/ *Joseph P. Howard*

Joseph P. Howard

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

I, Joseph P. Howard, in compliance with M. R. App. P. 26(2),
declare:

1. I am a licensed, practicing attorney in the State of Montana, and am currently employed by the Office of the State Public Defender (OSPD), as a contract attorney. In my capacity as a contract attorney, I have been assigned to handle the above-entitled matter as contract counsel.

2. This is Appellant’s ninth extension request for the opening brief; however, this is undersigned counsel’s *second* extension request.

3. Undersigned counsel has completed his review of the record on appeal and conducted the necessary legal research to evaluate Appellant's case.

4. Undersigned counsel has reached out to the State regarding a stipulation to remand this matter to correct an error in Appellant's judgment and sentence. The State has agreed such a stipulation would be appropriate.

5. I will work diligently to complete the matter in the time requested, but will need additional time to consult my client regarding his appeal and the above-reference stipulation. Appellant is presently at the Cascade County Jail and communication has been difficult at best.

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

/s/ Joseph P. Howard
Joseph P. Howard, Helena, MT

May 14, 2025
Date

CERTIFICATE OF SERVICE

I, Joseph Palmer Howard, hereby certify that I have served true and accurate copies of the foregoing Motion - Unopposed to the following on 05-14-2025:

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

Joshua A. Racki (Govt Attorney)
121 4th Street North
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Great Falls MT 59401
Representing: State of Montana
Service Method: eService

Tammy Ann Hinderman (Attorney)
Office of State Public Defender
Appellate Defender Division
P.O. Box 200147
Helena MT 59620
Representing: Zackery Robert Baker
Service Method: eService

Electronically Signed By: Joseph Palmer Howard
Dated: 05-14-2025