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IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

SIXTH APPELLATE DISTRICT

<p>PEOPLE OF THE STATE OF CALIFORNIA, Plaintiff and Respondent, v. ROMEO MONTAGUE, Defendant and Appellant.</p>

No. H123456
(Santa Claus
County Superior
Court No.
AB123456)

**SECOND REQUEST FOR EXTENSION OF TIME
TO FILE OPENING BRIEF**

Appellant, through appointed counsel, requests an extension of 30 days to October 22, 2008 to file the opening brief. Good cause for the request for extension pursuant to rule 8.63(b), California Rules of Court, is set forth in the attached declaration of counsel. The brief is currently due September 22, 2008. There has been one previous request for an extension of time.

Dated: September 18, 2008.

Respectfully submitted,

JONATHAN GROSSMAN
Attorney for Appellant
Romeo Montague

DECLARATION OF JONATHAN GROSSMAN

1. I am a Staff Attorney with the Sixth District Appellate Program, which has been appointed to represent appellant Romeo Montague. I am handling the appeal as a staff case.

2. I have drafted part of a rough draft to the opening brief, which currently has four issues. There are three more potential issues that I am planning to draft. Because drafting the brief has taken longer than I anticipated, I am requesting an extension of time to October 22, 2008.

3. Appellant's opening brief is due September 22, 2008.

4. A notice pursuant to rule 8.360(c) has not been issued.

5. There has been one previous request for an extension of time.

6. Appellant was convicted on January 4, 2008 of murder (Pen. Code, § 187, subd. (a)) with a gang enhancement (Pen. Code, § 186.22, subd. (b)), two counts of statutory rape (Pen. Code, § 261.5, subd. (a)). He was sentenced to serve 27 years to life in prison. He is not on bail pending appeal.

7. The record on appeal consists of a clerk's transcript of 440 pages (excluding the preliminary hearing transcript) and a reporter's transcript of 752 pages.

8. I therefore respectfully ask that this court grant this request for an extension of time of 30 days, to October 22, 2008, to file appellant's opening

brief.

I declare under penalty of perjury under the laws of the state of California that the foregoing is true and correct. Executed at Santa Clara, California, on September 18, 2008.

Jonathan Grossman

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PEOPLE OF THE STATE OF CALIFORNIA,
Plaintiff and Respondent,
v.
ROMEO MONTAGUE,
Defendant and Appellant.

No. H123456

(Santa Claus County
Superior Court No.
AB123456)

ORDER

FOR GOOD CAUSE SHOWN, the time in which to file appellant's
opening brief is extended to October 22, 2008.

DATED: _____

PRESIDING JUSTICE OF THE COURT OF APPEAL