

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK**

UNITED STATES OF AMERICA,

CASE NO. 15-CR-227-A

ATTORNEY AFFIRMATION

-vs-

RICHARD PETIX,

Defendant.

I, Matthew R. Lembke, having been duly admitted to practice law in the Western District of New York, do hereby affirm, under penalty of perjury, as follows:

1. I am an attorney duly licensed to practice in the United States District Court for the Western District of New York.

2. I am co-counsel with Stephen M. Leonardo represent, the defendant, Richard Petix [Petix].

3. I make this affirmation in support of Petix's motion for a three day extension of time to file his statement with respect to sentencing factors and objections to the pre-sentence report.

4. Under the Court's scheduling order, our statement and objections are due on Friday, July 21, 2017. We have begun the preparation of these objections. But based upon my schedule this week and Mr. Leonardo's schedule, we expect that we will need to have time over the upcoming weekend, to finish our statement and objections.

5. There are a number of legal and factual issues that we will be addressing in our statement and objections, some of which are somewhat complex.

6. Based upon the foregoing, we respectfully request that the Court extend our time to file Petix's statement and objections to Monday, July 24, 2017.

WHEREFORE, it is respectfully requested that the Court grant an order modifying the current scheduling order by extending Petix's time to file Petix's statement and objections to Monday, July 24, 2017; and that the Court grant such other, further and different relief, as to the Court may seem just and proper.

Dated: July 17, 2017

/S/ Matthew R. Lembke
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