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FILED  
JUN 19 2009  
*Ed Smith*  
CLERK OF THE SUPREME COURT  
STATE OF MONTANA

Attorney for Appellant

IN THE SUPREME COURT OF THE STATE OF MONTANA

Case No. DA 09-0154

STATE OF MONTANA, )  
)  
Plaintiff and Appellee, )  
)  
v. )  
)  
WADE PETERSON, )  
)  
Defendant and Appellant. )  
\_\_\_\_\_ )

**MOTION FOR EXTENSION  
OF TIME**

COMES NOW, Gregory Jackson, counsel of record for Defendant and Appellant, and moves this court for a thirty (30) day extension in which to prepare and file the Appellant's brief in the above entitled matter. The brief is due June 22, 2009, and counsel is requesting an extension until July 22, 2009, in which to file the brief. One previous extensions have been requested for the Appellant's brief.

Tammy Plubell, Montana Assistant Attorney General, has been contacted concerning the request for a 30-day extension of time in which to file Appellant's

brief, and has informed movant that the State of Montana has no objection to the request. In support of the Motion for Extension counsel attests to the following:

AFFIDAVIT OF GREGORY JACKSON

STATE OF MONTANA            )  
  ss.  
County of Lewis & Clark    )

GREGORY JACKSON, being first duly sworn, deposes and says:

I am an attorney licensed to practice law in the State of Montana. I am currently involved in a complex federal homicide case, U.S. v. Lincoln Benavides, CR 06-62-M-DWM, pending in the United States District Court for the District of Montana, Missoula Division case that has required an extraordinary expenditure of time. This case was a death penalty case until June 9<sup>th</sup> 2009 when the United States Attorney General provided notice that he would not authorize the U.S. Attorney for the District of Montana to seek death. My responsibilities in that case have limited my time and ability to meet with Mr. Petersen and fully review, research and draft the Appellant's Brief. Given that the United States has now indicated that it will not seek the death penalty in the Benavides case, I should be able to devote more time to reviewing, researching and drafting the Appellant's brief herein.

Dated the 12<sup>th</sup> day of June 2009.

  
\_\_\_\_\_  
Gregory Jackson

STATE OF MONTANA )

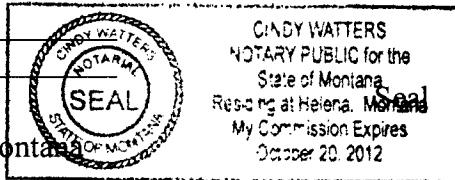
) ss

County of Lewis & Clark )

On this 12<sup>th</sup> day of June, 2009, before me, a Notary Public in and for the state and county aforesaid, personally appeared Gregory A. Jackson, known to me to be the person whose name is subscribed to the within instrument and acknowledged to me that he executed the same.

IN WITNESS WHEREOF I have hereunto set my hand and affixed my official seal the day and year first above written.

Cindy Watters  
Cindy Watters  
Printed Name



NOTARY PUBLIC for the State of Montana

Residing at: Helena, MT


My Commission expires Oct 20, 2012

## CERTIFICATE OF SERVICE

The undersigned hereby certifies that the foregoing Motion for Extension of Time was served on counsel of record by depositing a true and correct copy in the U.S. mail, postage prepaid, on the 12<sup>th</sup> day of June, and addressed as follows:

Tammy Plubell  
Assistant Attorney General  
Justice Building  
P.O. Box 201401  
Helena, MT 59620-1401

Silver Bow County Attorney  
155 West Granite Street  
Butte, MT 59701

  
Cindy Watters, Legal Secretary