

## IN THE SUPREME COURT OF THE STATE OF MONTANA

No. DA 17-0143

---

STATE OF MONTANA,

Plaintiff and Appellee,

v.

EDWARD LEVI KEYES,

Defendant and Appellant.

---

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

---

COMES NOW, Chad Wright, Chief Appellate Defender for the Office of the Appellate Defender (OAD), and respectfully requests an extension of time until December 20, 2017, in which to prepare, file, and serve the Appellant's opening brief in the above-entitled matter. This is Appellant's third request for an extension. Appellant's opening brief was first due September 20, 2017. Appellant's opening brief is presently due November 20, 2017. Appellant submits the attached affidavit in support of this motion.

Opposing counsel has been contacted and has no objection.

Respectfully submitted this 9th day of November, 2017.

OFFICE OF THE APPELLATE DEFENDER  
555 Fuller Ave.  
P.O. Box 200147  
Helena, MT 59620-0147

By: /s/ Chad Wright  
CHAD WRIGHT  
Chief Appellate Defender

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

I, Chad Wright, pursuant to Mont. Code Ann. § 1-1-203, declare:

1.     I am a licensed, practicing attorney in the State of Montana, and am currently employed by the Office of the Appellate Defender (OAD), as the Chief Appellate Defender.

2.     Pursuant to OAD's statutory and constitutional obligations, cases are assigned to internal OAD attorneys or outside contract counsel. With a second round of budget cuts, the OAD has been advised that it must maintain current vacancies and restrict assignment of cases to outside counsel. Currently, I am attempting to identify which OAD attorney is best able to assume responsibility for the above-entitled appeal given the attorney's individual caseload.

3.     Additional time will be needed for assigned counsel to be able to provide effective assistance of counsel.

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

/s/ Chad Wright  
Chad Wright, Helena, MT

November 9, 2017  
Date

## **CERTIFICATE OF SERVICE**

I, Chad M. Wright, hereby certify that I have served true and accurate copies of the foregoing Motion - Unopposed - Motion and Affidavit for Second or Subsequent Extension to the following on 11-09-2017:

Timothy Charles Fox (Prosecutor)  
Montana Attorney General  
215 North Sanders  
PO Box 201401  
Helena MT 59620  
Representing: State of Montana  
Service Method: eService

Scott D. Twito (Attorney)  
217 North 27th, Rm. 701  
P.O. Box 35025  
Billings MT 59107  
Representing: State of Montana  
Service Method: E-mail Delivery

Electronically signed by Gerri Lamphier on behalf of Chad M. Wright  
Dated: 11-09-2017