

## IN THE SUPREME COURT OF THE STATE OF MONTANA

No. DA 17-0549

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STATE OF MONTANA,

Plaintiff and Appellee,

v.

MELANIE DAWN CLAUSEN,

Defendant and Appellant.

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

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COMES NOW, Michael Marchesini, Assistant Appellate Defender for the Appellate Defender Division, and respectfully requests an extension of time until December 7, 2018, in which to prepare, file, and serve the Appellant's opening brief in the above-entitled matter. This is Appellant's eighth request for an extension. Appellant's opening brief was first due April 9, 2018. Appellant's opening brief is presently due November 7, 2018. Appellant submits the attached affidavit in support of this motion.

Opposing counsel has been contacted and has no objection.

Respectfully submitted this 30<sup>th</sup> day of October, 2018.

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

By: /s/ Michael Marchesini  
MICHAEL MARCHESINI  
Assistant Appellate Defender

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

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

1.     I am a licensed, practicing attorney in the State of Montana.  
I am currently employed by the Office of the State Public Defender,  
Appellate Defender Division (ADD), as an Assistant Appellate Defender.

2.     I have been assigned to represent the Appellant in *State v.*  
*Melanie Clausen* (DA 17-0549).

3.     Appellant's opening brief was first due April 9, 2018. The  
brief is currently due November 7, 2018.

4.     This is Appellant's eighth request for an extension. This is  
the first request for an extension since I personally took over the case. I  
am requesting an additional 30 days to file the opening brief.

5.     I am in substantial need of an extension. Because I have been  
preparing briefs in other cases that I was assigned before this case, I have  
yet to begin my review of this case. I will be unable to complete the  
opening brief in this matter within the previously allotted time.

6. In addition to this case, I am counsel of record in the following pending appeals: *State v. Martin* (DA 17-0520) (opening brief filed); *State v. Mize* (DA 17-0518) (opening brief filed); *State v. Jensen* (DA 17-0469) (opening brief filed); *State v. Nelson* (DA 17-0609) (opening brief filed); *State v. Ward* (DA 17-0494) (opening brief filed); *State v. Zimmerman* (DA 17-0636 and DA 17-0654) (opening brief filed); *In re T.L.*, (DA 17-0696); and *State v. Sproles* (DA 18-0104).

7. I will work diligently to complete this matter in the time requested.

8. Counsel for the State does not object to this request.

9. I declare under penalty of perjury that the foregoing is true and correct.

/s/ Michael Marchesini  
Michael Marchesini, Helena, Montana

October 30, 2018  
Date

## **CERTIFICATE OF SERVICE**

I, Michael Marchesini, 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 10-30-2018:

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

Wyatt A. Glade (Attorney)  
1010 Main Street  
Miles City MT 59301  
Representing: State of Montana  
Service Method: E-mail Delivery

Electronically signed by Pamela S. Rossi on behalf of Michael Marchesini  
Dated: 10-30-2018