

## 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 January 7, 2019, in which to prepare, file, and serve the Appellant's opening brief in the above-entitled matter. This is Appellant's ninth request for an extension. Appellant's opening brief was first due April 9, 2018. Appellant's opening brief is presently due December 7, 2018. Appellant submits the attached affidavit in support of this motion.

Opposing counsel has been contacted and has no objection.

Respectfully submitted this 28<sup>th</sup> day of November, 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

[illegible]

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 December 7, 2018.

4. This is Appellant's ninth request for an extension. This is the second 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) (reply brief due December 17, 2018); *State v. Mize* (DA 17-0518) (reply brief due December 27, 2018); *State v. Nelson* (DA 17-0609) (reply brief due December 28, 2018); *State v. Jensen* (DA 17-0469) (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) (*Anders* brief filed); *City of Billings v. Rodriguez* (DA 17-0727); 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

November 28, 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 11-28-2018:

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: 11-28-2018