

IN THE SUPREME COURT OF THE STATE OF MONTANA

No. DA 17-0549

STATE OF MONTANA,

Plaintiff and Appellee,

v.

MELANIE DAWN CLAUSEN,

Defendant and Appellant.

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

COMES NOW, Michael Marchesini, Assistant Appellate Defender for the Appellate Defender Division, and respectfully requests an extension of time until February 6, 2019, in which to prepare, file, and serve the Appellant's opening brief in the above-entitled matter. This is Appellant's tenth request for an extension. Appellant's opening brief was first due April 9, 2018. Appellant's opening brief is presently due January 7, 2019. Appellant submits the attached affidavit in support of this motion.

Opposing counsel has been contacted and has no objection.

Respectfully submitted this 19th day of December, 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 January 7, 2019.

4. This is Appellant's tenth request for an extension. This is the
third 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 filed December 11); *State v. Mize* (DA 17-0518) (reply brief due December 27); *State v. Nelson* (DA 17-0609) (reply brief due December 28); *State v. Jensen* (DA 17-0469) (reply brief due January 2, 2019); *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); *State v. Sproles* (DA 18-0104); *State v. Jardee* (DA 18-0163 and 18-0164); and *In re A.V.* (DA 18-0220).

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

December 19, 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 12-19-2018:

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: 12-19-2018