

## IN THE SUPREME COURT OF THE STATE OF MONTANA

No. DA 18-0392

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STATE OF MONTANA,

Plaintiff and Appellee,

v.

RUSTY JAY WEBER,

Defendant and Appellant.

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

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COMES NOW, Chad Wright, Appellate Defender for the Appellate Defender Division (ADD), and respectfully requests an extension of time until February 13, 2019, in which to prepare, file, and serve the Appellant's opening brief in the above-entitled matter. This is Appellant's fifth request for an extension. Appellant's opening brief was first due September 14, 2018. Appellant's opening brief is currently due January 14, 2019. Appellant submits the attached affidavit in support of this motion.

Opposing counsel has been contacted and has no objection.

Respectfully submitted this 7th day of January, 2019.

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

By: /s/ Chad Wright  
CHAD WRIGHT  
Appellate Defender

[illegible]

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

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

2. Pursuant to ADD's statutory and constitutional obligations, cases are assigned to internal ADD attorneys or outside contract counsel. With the Office of Public Defender operating in a substantial deficit, the ADD is still maintaining an open vacancy and must restrict the assignment of criminal appeals to outside counsel. I am attempting to identify which ADD 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

January 7, 2019  
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 01-07-2019:

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

Travis R. Ahner (Attorney)  
820 South Main Street  
Kalispell MT 59901  
Representing: State of Montana  
Service Method: E-mail Delivery

Electronically signed by Gerri Lamphier on behalf of Chad M. Wright  
Dated: 01-07-2019