

## IN THE SUPREME COURT OF THE STATE OF MONTANA

No. DA 18-0266

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STATE OF MONTANA,

Plaintiff and Appellee,

v.

DANA REDDING, JR.,

Defendant and Appellant.

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

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COMES NOW, Koan Mercer, Assistant Appellate Defender for the Appellate Defender Division, and respectfully requests an extension of time until May 29, 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 July 30, 2018. Appellant's opening brief is currently due April 29, 2019. Appellant submits the attached affidavit in support of this motion.

Opposing counsel has been contacted and has no objection.

Respectfully submitted this 17<sup>th</sup> day of April, 2019.

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

By: /s/ Koan Mercer  
KOAN MERCER  
Assistant Appellate Defender

STATE OF MONTANA       )  
  : ss.  
County of Missoula       )

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

1.     I am a licensed, practicing attorney in the State of Montana,  
and am currently employed as an Assistant Appellate Defender.

2.     I have been assigned *State v. Redding*, DA 18-0266.

3.     Appellant's opening brief was first due on July 30, 2018, and  
is presently due on April 29, 2019.

4.     I hope to begin my review of this case this week but will be  
unable to complete its opening brief within the previously allotted time  
as have been working to complete briefs for other older cases.

5.     The State does not object to this extension request.

6.     I declare under penalty of perjury that the above is true and  
correct.

/s/ Koan Mercer  
Koan Mercer, Missoula, Montana

April 16, 2019  
Date

## **CERTIFICATE OF SERVICE**

I, Gem Koan Mercer, 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 04-17-2019:

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

Gerald Ray Harris (Attorney)  
Big Horn County Attorney's Office  
P.O. Box 908  
Hardin MT 59034  
Representing: State of Montana  
Service Method: E-mail Delivery

Electronically signed by Pamela S. Rossi on behalf of Gem Koan Mercer  
Dated: 04-17-2019