

## IN THE SUPREME COURT OF THE STATE OF MONTANA

No. DA 19-0453

---

STATE OF MONTANA,

Plaintiff and Appellee,

v.

TOSTON GRAY LAFOURNAISE,

Defendant and Appellant.

---

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

---

COMES NOW, Chad Wright, Appellate Defender for the Appellate Defender Division (ADD), and respectfully requests an extension of time until December 18, 2019, in which to prepare, file, and serve the Appellant's opening brief in the above-entitled matter. This is Appellant's second request for an extension. Appellant's opening brief was first due October 17, 2019. Appellant's opening brief is currently due November 18, 2019. Appellant submits the attached affidavit in support of this motion.

Opposing counsel has been contacted and has no objection.

Respectfully submitted this 12th day of November, 2019.

OFFICE OF STATE PUBLIC DEFENDER  
APPELLATE DEFENDER DIVISION  
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. ADD has now filled its open vacancy and continues to use more contract attorneys to address its backlog. I am attempting to identify which ADD or contract 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

November 12, 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 11-12-2019:

Leo John Gallagher (Prosecutor)  
Lewis & Clark County Attorney Office  
Courthouse - 228 E. Broadway  
Helena MT 59601  
Representing: State of Montana  
Service Method: eService

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

Electronically signed by Gerri Lamphier on behalf of Chad M. Wright  
Dated: 11-12-2019