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COUNSEL FOR PLAINTIFF AND APPELLEE

IN THE SUPREME COURT OF THE STATE OF MONTANA

No. DA 18-0187

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STATE OF MONTANA,

Plaintiff and Appellee,

v.

WESLEY SMITH,

Defendant and Appellant.

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**UNOPPOSED MOTION FOR EXTENSION OF TIME  
AND DECLARATION IN SUPPORT**

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The Appellee, State of Montana, respectfully requests a 30-day extension  
of time until March 4, 2020, in which to serve and file its response brief in the

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above-entitled matter. In support of this motion, undersigned counsel respectfully submits the following Declaration.

Respectfully submitted this 24th day of January, 2020.

TIMOTHY C. FOX  
Montana Attorney General  
Justice Building  
P.O. Box 201401  
Helena, MT 59620-1401

By: /s/ Jonathan M. Krauss  
JONATHAN M. KRAUSS  
Assistant Attorney General

Pursuant to Mont. Code Ann. § 1-6-105, I, Jonathan M. Krauss, hereby declare as follows:

1. I am a licensed, practicing attorney in the State of Montana; am employed as an Assistant Attorney General; and was assigned this case on appeal.

2. The State's Appellee's Brief was first due on January 3, 2020. The brief is presently due on February 3, 2020, after one extension of time.

3. Counsel has substantial need for an additional 30-day extension, until March 4, 2020, in order to complete and file the Appellee's response brief in this case, due to counsel's other assignments and workload. Since the last extension of time in this case, counsel has filed or been assigned the following cases:

*In re A.L.P.* (YINC), DA 19-0418, Appellee's Brief filed on January 13, 2020;

*A.G. and D.G. v. Montana 18<sup>th</sup> Judicial District Court* (petition for writ of supervisory control in YINC and adoption cases), OP 19-0728, State's

Response and Exhibits substantially complete and will be filed within five days of this Court's order on Respondents' Joint Motion to Seal Exhibits/Appendices, pending as of January 17, 2020;

*State v. Cook*, DA 18-0101, Appellee's Brief will be filed by January 30, 2020;

*State v. Rodriguez*, DA 18-0328, Appellee's Brief due February 7, 2020;

*In re K.F. and A.F. (YINC)*, DA 19-0611, Appellee's Brief in response to Appellant Father's brief due February 13, 2020 (Appellant Mother's brief is due February 10, 2020);

*Gable v. State*, DA 19-0066, Appellee's Brief due February 18, 2020;

*State v. Lamoureux*, DA 18-0639, Appellee's Brief due March 16, 2020.

4. Opposing counsel has been contacted concerning this motion and does not object.

5. I have worked, and will continue to work, diligently to complete this matter in the time requested.

6. I hereby declare under penalty of perjury under the laws of the United States of America and the State of Montana that the foregoing is true and correct.

Dated this 24th day of January, 2020.

/s/ Jonathan M. Krauss  
JONATHAN M. KRAUSS

## **CERTIFICATE OF SERVICE**

I, Jonathan Mark Krauss, 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 01-24-2020:

Kirsten H. Pabst (Prosecutor)  
200 W. Broadway  
Missoula MT 59802  
Representing: State of Montana  
Service Method: eService

Deborah Susan Smith (Attorney)  
555 Fuller Avenue  
P.O. Box 200147  
Helena MT 59620-0147  
Representing: Wesley Smith  
Service Method: eService

Electronically signed by Kimberly Wollitz on behalf of Jonathan Mark Krauss  
Dated: 01-24-2020