

IN THE SUPREME COURT OF THE STATE OF MONTANA**No. DA 19-0149**

STATE OF MONTANA,**Plaintiff and Appellee,****v.****JOHN JAYCOB FISHBAUGH,****Defendant and Appellant.**

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

COMES NOW, Moses Okeyo, Assistant Appellate Defender for the Appellate Defender Division, and respectfully requests a 60-day extension of time until April 15, 2020, 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 May 17, 2019. Appellant's opening brief is presently due March 16, 2020. Appellant submits the attached affidavit in support of this motion.

Opposing counsel has been contacted and has no objection.

Respectfully submitted this 5th day of March, 2020.

OFFICE OF STATE PUBLIC DEFENDER
APPELLATE DEFENDER DIVISION
P.O. Box 200147
Helena, MT 59620-0147

By: /s/ Moses Okeyo
MOSES OKEYO
Assistant Appellate Defender

STATE OF MONTANA)
 : ss.
County of Missoula)

I, Moses Okeyo, pursuant to Mont. Code Ann. § 1-1-203, declare:

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

2. In my capacity as an Assistant Appellate Defender, I was assigned *State v. Fishbaugh*, DA 19-0149, on November 26, 2019.

3. The Appellant's opening brief was first due May 17, 2019 and is currently due March 16, 2020.

4. I have not begun working on this case because I am yet to complete working on opening briefs in *State v. Orton*, DA 18-0591 and *State v. Quinlan*, DA 19-0071.

5. I will need additional time to review the record, conduct research, and draft the brief and for my client to review and consult. I will work diligently to complete the matter in the time requested.

6. Counsel for the State has been contacted concerning this motion and does not object.

7. I declare under penalty of perjury that the foregoing is true and correct.

/s/ Moses Okeyo
Moses Okeyo, Missoula, Montana

March 5, 2020
Date

CERTIFICATE OF SERVICE

I, Moses Ouma Okeyo, 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 03-05-2020:

Scott D. Twito (Prosecutor)
Yellowstone County Attorney's Office
PO Box 35025
Billings MT 59107
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 Pamela S. Rossi on behalf of Moses Ouma Okeyo
Dated: 03-05-2020