

IN THE SUPREME COURT OF THE STATE OF MONTANA

Cause No. DA 19-0731

STATE OF MONTANA,

Plaintiff and Appellee,

v.

TRAVIS MICHAEL STAKER,

Defendant and Appellant.

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

On Appeal from the District Court of the Eighteenth Judicial District of the
State of Montana, in and for the County of Gallatin,
The Honorable Rienne McElyea, District Judge, Presiding

APPEARANCES:

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*Attorneys for Plaintiff and
Appellee*

COMES NOW the Appellant, by and through his counsel of record, Mark J. Luebeck, and respectfully requests a 31-day extension of time until and including Monday, April 27, 2020 in which to prepare, file, and serve the Appellant's opening brief in the above-entitled matter. Appellant's opening brief was originally due on February 26, 2020. Appellant's opening brief is currently due March 27, 2020. This is Appellant's second extension request for the opening brief. The State of Montana, Appellee, has been contacted concerning this motion and does not object.

The undersigned counsel submits the following declaration in support of this motion.

RESPECTFULLY SUBMITTED this 11th day of March, 2020.

ANGEL, COIL & BARTLETT

/s/ Mark J. Luebeck
Mark J. Luebeck
Attorney for Appellant and Defendant

DECLARATION

Pursuant to Mont. Code Ann. § 1-6-105, I, Mark J. Luebeck, hereby declare as follows:

1. I am a licensed, practicing attorney in the State of Montana.

2. I am counsel of record for Appellant Travis Staker in the above-captioned matter.

3. Appellant's opening brief was originally due on February 26, 2020. Appellant's opening brief is currently due March 27, 2020. I am requesting a 31-day extension of time until and including Monday, April 27, 2020 in which to prepare, file, and serve the Appellant's opening brief in the above-entitled matter.

4. This is Appellant's second extension request for the opening brief.

5. I am in substantial need for an extension. This case presents Constitutional issues of first impression in Montana and I, consequently, need additional time, due to my current caseload, to research, analyze, brief the issues, and have the assistance of my law firm in its review.

6. I have exercised diligence in preparing the opening brief, including working on weekends. I will work diligently to complete the matter in the time requested.

7. The State of Montana, Appellee, has been contacted concerning this motion and does not object.

8. 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.

RESPECTFULLY SUBMITTED this 11th day of March, 2020.

/s/ Mark J. Luebeck
Mark J. Luebeck

CERTIFICATE OF SERVICE

I, Mark Joseph Luebeck, hereby certify that I have served true and accurate copies of the foregoing Motion - Unopposed - Extension of Time - Brief to the following on 03-11-2020:

Timothy Charles Fox (Prosecutor)
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Electronically Signed By: Mark Joseph Luebeck
Dated: 03-11-2020