

## IN THE SUPREME COURT OF THE STATE OF MONTANA

No. DA 19-0453

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STATE OF MONTANA,

Plaintiff and Appellee,

v.

TOSTON GRAY LAFOURNAISE,

Defendant and Appellant.

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

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COMES NOW Lisa S. Korchinski, Assistant Appellate Defender for the Appellate Defender Division, and respectfully requests an extension of time until October 19, 2020, in which to prepare, file, and serve the Appellant's opening brief in the above-entitled matter. This is Appellant's eleventh request for an extension. Appellant's opening brief was first due October 17, 2019. Appellant's opening brief is currently due August 19, 2020. Appellant submits the attached affidavit in support of this motion.

Opposing counsel has been contacted and has no objection.

Respectfully submitted this 11th day of August, 2020.

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

By: /s/ Lisa S. Korchinski  
LISA S. KORCHINSKI  
Assistant Appellate Defender

[illegible]

I, Lisa S. Korchinski, 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 by the Office of State Public Defender, Appellate Defender Division (ADD), as an Assistant Appellate Defender.

2. The Appellant's brief was first due on October 17, 2019. On behalf of the ADD, Chad Wright, Appellate Defender, filed five extension requests until March 19, 2020.

3. As an Assistant Appellate Defender I was assigned to handle the above-entitled matter.

4. I am counsel of record in nine (9) appeals: *State v. Chambers* (DA 18-0178); *State v. Tenold* (DA 18-0246); *State v. Deutsch, Sr.* (DA 18-0116); *State v. Flesher* (DA 18-0415); *State v. Vandebos* (DA 18-0487); *State v. Schneider* (DA 18-0668); *State v. Lopez* (DA 18-0667); *State v. Hardesty* (DA 19-0220); and *State v. Lafournaise* (DA 18-0415).

5. Currently, I have a total of four opening due before this Court.
6. I work on cases in the order received unless other priorities arise.
7. Since my last extension request, I have filed the opening brief in *Vandenbos* (July 22, 2020), and reviewed and addressed the State's briefs in *Chambers* and *Tenold*.
8. This is undersigned counsel's sixth request for an extension in this case and is the eleventh extension request overall.
9. Due to an ongoing personal health issue, I am currently out of the office on doctor ordered FMLA until September 14, 2020.
10. Due to my FLMA leave, I am unable to complete review, research and write the opening brief for this appeal in the remaining time.
11. I will continue to work diligently on my assigned cases once I have returned to work from my FMLA leave.
12. Undersigned counsel requests a 60-day extension until October 19, 2020, to file the opening brief on appeal.
13. The Appellant is currently incarcerated.

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

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

/s/ Lisa S. Korchinski  
Lisa S. Korchinski, Helena, Montana

August 11, 2020  
Date

## **CERTIFICATE OF SERVICE**

I, Lisa S. Korchinski, hereby certify that I have served true and accurate copies of the foregoing Motion - Unopposed to the following on 08-11-2020:

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 Kim Harrison on behalf of Lisa S. Korchinski  
Dated: 08-11-2020