

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 Lisa S. Korchinski, Assistant Appellate Defender for the Appellate Defender Division, and respectfully requests an extension of time until December 18, 2020, in which to prepare, file, and serve the Appellant's opening brief in the above-entitled matter. This is Appellant's twelfth request for an extension. Appellant's opening brief was first due October 17, 2019. Appellant's opening brief is currently due October 19, 2020. Appellant submits the attached affidavit in support of this motion.

Opposing counsel has been contacted and has no objection.

Respectfully submitted this 9th day of October, 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 ten (10) 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); *State v. Lafournaise* (DA 18-0415); and *State v. Hoffman* (DA 20-0082).

5. Currently, I have a total of five opening briefs and one reply brief 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 addressed the State's briefs in *Chambers*, *Tenold*, and *Vandenbos*. I have also prioritized the reply brief in *Deutsch* (currently due 10/19/20 on a final extension). I am also reviewing the record in *Schneider* and *Lopez*.

8. This is undersigned counsel's seventh request for an extension in this case and is the twelfth extension request overall.

9. Although I have recently returned to work after doctor ordered FMLA, I continue to address ongoing personal health issues.

10. 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.

12. Undersigned counsel requests a 60-day extension until December 18, 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

October 9, 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 10-09-2020:

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: 10-09-2020