

## IN THE SUPREME COURT OF THE STATE OF MONTANA

Supreme Court No. DA-20-470

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STATE OF MONTANA,

Appellee/Plaintiff,

v.

TRACY ALAN REXFORD,

Appellant/Defendant.

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

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COMES NOW Benjamin M. Darrow, counsel for the Appellant and respectfully requests a 30 day continuance from the current deadline of March 4, 2021, in which to prepare, file and serve Appellant's opening brief in the above entitled matter. This is Appellant's fourth request for an extension. Appellant's opening brief was first due on December 7, 2020. Appellant's counsel submits the attached affidavit in support of this motion.

Counsel for the State has been contacted and **does not object**.

Respectfully submitted this 3rd day of March 2021

/s/Benjamin M. Darrow  
Benjamin M. Darrow  
DARROW LAW PLLC  
Attorney for Appellant Defendant

**Motion for Extension of Time and Affidavit in Support**

## **CERTIFICATE OF SERVICE**

I, Benjamin M. Darrow, hereby certify that I have served true and accurate copies of the foregoing Notice of Substitution of Counsel to the following on 03-03-2021 by eService or as otherwise indicated:

SCOTT D. TWITO  
(Prosecutor) Yellowstone  
County Attorney's Office  
PO Box 35025  
Billings MT 59107  
Representing: Montana Attorney General's Office  
Service Method: eService

C. MARK FOWLER (Prosecutor)  
Office of Montana  
Attorney General  
Timothy Fox  
P.O. Box 201401  
215 North Sanders  
Helena MT 59620  
Representing: Montana Attorney General's Office  
Service Method: eService

Electronically Signed By: Benjamin M. Darrow  
Dated: 03-03-2021

STATE OF MONTANA                    )

:ss.

County of Missoula

I, Benjamin M. Darrow, pursuant to Mont. Code Ann. § 1-1-203, declare:

1. I am a licensed, practicing attorney in the State of Montana and I represent the Appellant in this matter.
2. The Appellant's opening brief was initially due on December 7, 2020 and is currently due March 4, 2021. This is my fourth request for an extension of time.
3. I am requesting 30 days to allow me more time because counsel has requested, but has not yet received legislative history information relevant to this case. I am requesting 30 days and that should be sufficient.
4. I will continue to work diligently on this case and attempt to complete it in the time requested by this continuance.
5. Assistant Attorney General, C. Mark Fowler has been contacted regarding this motion and **does not object**.

Dated this 3rd day of March, 2021.

/s/Benjamin M. Darrow  
Benjamin M. Darrow  
DARROW LAW PLLC  
Attorney for Appellant Defendant

## **CERTIFICATE OF SERVICE**

I, Benjamin M. Darrow, hereby certify that I have served true and accurate copies of the foregoing Motion - Unopposed to the following on 03-03-2021:

Scott D. Twito (Govt Attorney)  
Yellowstone County Attorney's Office  
PO Box 35025  
Billings MT 59107  
Representing: State of Montana  
Service Method: eService

Austin Miles Knudsen (Govt Attorney)  
215 N. Sanders  
Helena MT 59620  
Representing: State of Montana  
Service Method: eService

Electronically Signed By: Benjamin M. Darrow  
Dated: 03-03-2021