

## 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 a two-week extension of time until April 5, 2021, in which to prepare, file, and serve the Appellant's opening brief in the above-entitled matter. This is Appellant's fifteenth request for an extension. Appellant's opening brief was first due October 17, 2019. Appellant's opening brief is currently due March 22, 2021. Appellant submits the attached affidavit in support of this motion.

Opposing counsel has been contacted and takes no position.

Respectfully submitted this 12th day of March, 2021.

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 seven (7) appeals: *State v. Schneider* (DA 18-0668); *State v. Lopez* (DA 18-0667); *State v. Hardesty* (DA 19-0220); *State v. Lafournaise* (DA 18-0415); *State v. Hofman* (DA 20-0082); *State v. McDonough* (DA 20-0268); and *State v. Quiroz* (DA 20-0270).

5. Currently, I have a total of four opening briefs due before this Court.

6. I work on cases in the order received unless other priorities arise. Since my last extension request, I have filed the opening briefs in *Schneider* (1/15/21), and *Lopez* (2/24/21), and an *Anders* Brief in *Hardesty* (1/15/21).

7. I have reviewed the record, researched the issues, and have a near final draft of the brief prepared in this case.

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

9. I anticipated filing the brief in this matter by its due date; however this past week I was placed under doctors' care for a severe health issue, and am unable to complete the opening brief for this appeal in the remaining time.

10. I am mindful of the Court's most recent order in this appeal, indicating that no further extensions would be granted. Given my current medical issue, however, I believe an extension is necessary to protect Mr. Lafournaise's interests on appeal. A two-week extension

until April 5, 2021, will give me time to finalize the brief, discuss the brief with my client, and file the brief.

11. I will continue to work diligently on my assigned cases.

12. Undersigned counsel requests a two-week extension until April 5, 2021, to file the opening brief on appeal.

13. The Appellant is currently incarcerated.

14. Opposing counsel has been contacted concerning this motion and takes no position.

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

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

March 12, 2021  
Date

## **CERTIFICATE OF SERVICE**

I, Lisa S. Korchinski, hereby certify that I have served true and accurate copies of the foregoing Motion - Motion and Affidavit for Second or Subsequent Extension to the following on 03-12-2021:

Leo John Gallagher (Govt Attorney)  
Lewis & Clark County Attorney Office  
Courthouse - 228 E. Broadway  
Helena MT 59601  
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 Kim Harrison on behalf of Lisa S. Korchinski  
Dated: 03-12-2021