

AUSTIN KNUDSEN
Montana Attorney General
ROY BROWN
Assistant Attorney General
215 North Sanders
P.O. Box 201401
Helena, MT 59620-1401
Phone: 406-444-2026
Fax: 406-444-3549
roy.brown2@mt.gov

COUNSEL FOR PLAINTIFF AND APPELLEE

IN THE SUPREME COURT OF THE STATE OF MONTANA

No. DA 19-0613

STATE OF MONTANA,

Plaintiff and Appellee,

v.

RYAN PATRICK MORRIS and TROY NELSON,

Defendants and Appellants.

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

The Appellee, State of Montana, respectfully requests a 30-day extension of time until May 2, 2021, in which to prepare, serve, and file its response brief in the

above-entitled matter. In support of this motion, undersigned counsel respectfully submits the following Declaration.

Respectfully submitted this 26th day of March, 2021.

AUSTIN KNUDSEN
Montana Attorney General
Justice Building
P.O. Box 201401
Helena, MT 59620-1401

By: /s/ Roy Brown
ROY BROWN
Assistant Attorney General

DECLARATION

Pursuant to Mont. Code Ann. §1-6-105, I, Roy Brown, hereby declare as follows:

1. I am an Assistant Attorney General for the State of Montana and this case has been assigned to me to prepare the State's response brief.
2. The State's response brief was originally due on November 1, 2020 and is presently due on April 2, 2021. I am requesting an extension of time until May 2, 2021 to file my response brief.
3. I have recently filed response briefs in the following cases before this Court: *State v. Byrne*, DA 19-0420 on March 16, 2021; *State v. Parisian*, DA 18-0606 on March 3, 2021; *State v. Rux*, DA 20-0258 on February 9, 2021;

State v. Youmans, DA 18-0335 on January 29, 2021; and *State v. Laster*, DA 19-0645 on January 25, 2021.

4. I am counsel of record in the following other cases before this Court: *State v. McCoy*, DA 20-0066; *State v. Mikesell*, DA 19-0666; and *State v. Hren & Nelson*, DA 20-0190. I am also counsel of record in a federal habeas case, *Garding v. Hansen*, DC-10-160.

5. This extension is requested due to the heavy workload under which I am working, making it impossible to properly research, consider, and brief the issues. I need additional time to research the issues raised, draft the brief, and allow the trial prosecutors to review the brief before it is finalized and filed with the Court.

6. I will work diligently to complete the matter in the time requested.

7. Opposing counsel has been contacted and does not object to this motion.

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 26th day of March, 2021.

/s/ Roy Brown
ROY BROWN

CERTIFICATE OF SERVICE

I, Roy Lindsay Brown, hereby certify that I have served true and accurate copies of the foregoing Motion - Unopposed to the following on 03-26-2021:

Joshua A. Racki (Govt Attorney)
121 4th Street North
Suite 2A
Great Falls MT 59401
Representing: State of Montana
Service Method: eService

James Richard Reavis (Attorney)
Office of the Appellate Defender
555 Fuller Ave.
Helena MT 59620
Representing: Ryan Patrick Morris
Service Method: eService

Kyle W. Nelson (Attorney)
PO Box 6580
Bozeman MT 59771
Representing: ACLU of Montana Foundation, Inc.
Service Method: eService

Alexander H. Rate (Attorney)
713 Loch Leven Drive
Livingston MT 59047
Representing: ACLU of Montana Foundation, Inc.
Service Method: eService

Megan Brownlee (Attorney)
22982 West Devin Drive
buckeye AZ 85326
Representing: University of Amsterdam, Amsterdam Law School
Service Method: eService

Charles B. Cromwell (Attorney)
1871 S. 22nd Ave., Suite 2
P.O. Box 6692
Bozeman MT 59771

Representing: ACLU of Montana Foundation, Inc.
Service Method: Conventional

Electronically signed by Kimberly Wollitz on behalf of Roy Lindsay Brown
Dated: 03-26-2021