

FILED

04/27/2021

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Bowen Greenwood
CLERK OF THE SUPREME COURT
STATE OF MONTANA

APR 27 2021

Case Number: DA 20-0454

**Bowen Greenwood
Clerk of Supreme Court
State of Montana**

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Attorney for Defendant / Appellant

IN THE SUPREME COURT OF THE STATE OF MONTANA
Supreme Court Cause No. DA 20-0454

STATE OF MONTANA,

Plaintiff and Appellee,

V.

GEORGE CARLON,

Defendant and Appellant.

**UNOPPOSED MOTION FOR
EXTENSION OF TIME
TO FILE APPELLANT'S
INITIAL BRIEF
IN A CRIMINAL APPEAL**

COMES NOW Appellant George Carlon, by and through his undersigned attorney, and moves this court pursuant to M.R.App.P. 16 and 26 for an extension of time of 30 days within which to file Appellant's *Initial Brief* on appeal, i.e. to Thursday, May 27, 2021.

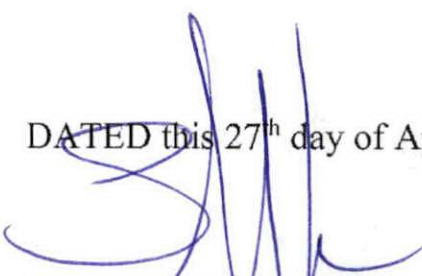
Appellant's *Initial Brief* was to be filed today, on Tuesday, April 27, 2021.

Over the past two months appellate counsel has been engaged in handling two significant rape cases which have consumed an extraordinary amount of time, along with several personal matters.

Counsel for Appellant therefore respectfully requests a continuance of 30 days from April 27, 2021 to May 27, 2021 for the filing of an Appellate *Initial Brief* or a request for further extension.

The Montana Attorney General's Office, per their staff, has no objection to this motion.

DATED this 27th day of April, 2021



Attorney for Appellant

CERTIFICATE OF SERVICE

I, Scott Albers, hereby certify that the foregoing was duly served upon the respective parties entitled to service by hand delivering a copy to the Montana Attorney General's Office, i.e. Office of the Attorney General for the State of Montana, P.O. Box 201401, Helena, MT 59620-1401 on Tuesday, April 27, 2021.



Scott A. Albers

STATE OF MONTANA)

:

County of Cascade)

Declaration of Scott A. Albers in support of a 30-day Continuance
Regarding the Appeal of *State of Montana vs. George Carlon*, DA-20-0454.

In support of Counsel's Request for a 30-day continuance in which to file the initial brief, the following declaration is provided under Rule 26.

I, Scott Albers, hereby solemnly state that the following is true and correct.

I am counsel for Mr. George Carlon in a direct appeal to the Montana Supreme Court, *State of Montana vs. George Carlon*, DA-20-0454.

I am filing a motion for continuance on Tuesday, April 27, 2021 and this declaration is filed the same day.

In response to the questions posed by Rule 26(2) of the Montana Rules of Appellate Procedure, the following is stated.

(2a) When is the brief due? The brief is due today, April 27, 2021.

(2b) When was the brief originally due? The brief was due originally on November 27, 2020.

On November 27, 2020, an extension was granted bringing the date to December 28.

On December 23, 2020, an extension was granted bringing the date to February 26, 2021.

On February 26, 2021, an extension was granted bringing the date to today, April 27, 2021.

(2c) What is the length of time requested? Counsel would like an extension of 30 days, from April 27, 2021 to May 27, 2021.

(2d) Why is the extension necessary? Over the past 30 days two very serious rape cases have absorbed most of Appellate counsel's time and attention. In

addition a number of personal issues have intervened to take up the necessary mental space in which to write the initial brief. The Defendant / Appellant has been consulted about this request for a 30-day extension and he has no objection. He has been released from prison and is progressing well while on parole.

(2e) Explanation as to due diligence. The above circumstances have made the creation of this brief difficult if not impossible during the time period previously requested. Several of them were completely unanticipated.

(2f) Objection by the State? The State does not object to the request for a 30-day continuance.



Scott Albers

Certificate of Service

I, Scott Albers, hereby certify that the foregoing was hand-delivered to the Montana Attorney General's Office on the 27th day of April, 2021.

