

Carlton will have the opportunity to read and approve the brief in writing.

Counsel for Appellant therefore respectfully requests a continuance of one week, from June 28, 2021 to July 5, 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.

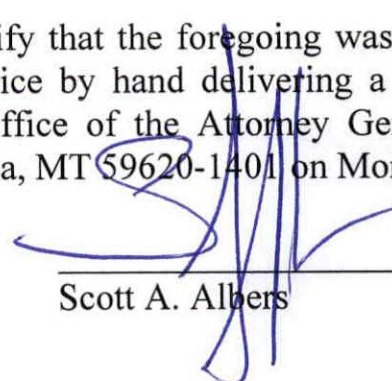
DATED this 28th day of June, 2021



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 Monday, June 28, 2021.



Scott A. Albers

STATE OF MONTANA)

:

County of Lewis and Clark)

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

In support of Counsel's Request for a one week 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 Monday, June 28, 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, June 28, 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 April 27, 2021.

On April 28, 2021, an extension was granted bringing the date to May 27, 2021.

On May 3, 2021, an extension was granted bringing the date to June 28, 2021.

(2c) What is the length of time requested? Counsel would like an extension of one week, from Monday June 28, 2021 to Monday, July 5, 2021.

(2d) Why is the extension necessary? Appellate Carlon risks a number of difficulties should the Montana Supreme Court rule in his favor in this case. Among these are (1) a new trial on the matter on which he has already completed a prison sentence, (2) a new charge of perjury before a new tribunal, and (3) enormous expenses in combatting these developments. Defendant / Appellant Carlon has been consulted about this request for a one-week delay. This delay will permit him to read the brief and consider whether he does or does not want to pursue the matter further in the Montana Supreme Court, and to give Appellate Counsel his written assurance that he understands and accepts these developments should he decide to pursue and be successful in the appeal.

(2e) Explanation as to due diligence. Mr. Carlon's absence from the state at this critical juncture was completely unanticipated. A further delay of one week is a *diminimus* imposition upon the parties, in light of the importance of Mr. Carlon's decision herein and the consequences to him personally either way.

(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 28th dday of June, 2021.

