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COUNSEL FOR PLAINTIFF AND APPELLEE

IN THE SUPREME COURT OF THE STATE OF MONTANA

No. DA 20-0037

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STATE OF MONTANA,

Plaintiff and Appellee,

v.

DALE STEVEN MARTELL,

Defendant and Appellant.

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

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The Appellee, State of Montana, respectfully requests a 14-day extension  
of time until August 10, 2021, in which to prepare, serve, and file its response brief

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

Respectfully submitted this 20th day of July, 2021.

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

By: /s/ Michael P. Dougherty  
MICHAEL P. DOUGHERTY  
Assistant Attorney General

### **DECLARATION**

Pursuant to Mont. Code Ann. § 1-6-105, I, Michael P. Dougherty, hereby declare as follows:

1. I am a licensed, practicing attorney in the State of Montana. I am currently employed by the Montana Department of Justice, Office of the Attorney General, Appellate Services Bureau.

2. The State's response brief was first due on March 29, 2021. The brief is presently due July 27, 2021. I am requesting an extension of time until August 10, 2021. This is the State's fifth request for an extension.

3. In my capacity as Assistant Attorney General, I was assigned to handle the above-entitled matter on March 3, 2021. Due to my current workload, I have not had time to sufficiently review the matter and prepare a response.

4. I have recently completed response briefs for *State v. Yeaton*, DA 20-0041; and *State v. Vasquez*, DA 19-0715. In addition to the above-entitled matter, I am preparing response briefs in the following matters: *In re C.L.*, DA 20-0155; *State v. Stone*, DA 21-0070; *State v. Zeimer*, DA 20-0107; and *State v. Steger*, DA 20-0119.

5. I will work diligently to complete the matter in the time requested, if not before.

6. Opposing counsel has been contacted about this motion and does not object.

7. 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 20th day of July, 2021.

/s/ Michael P. Dougherty  
MICHAEL P. DOUGHERTY

## **CERTIFICATE OF SERVICE**

I, Michael Patrick Dougherty, hereby certify that I have served true and accurate copies of the foregoing Motion - Unopposed to the following on 07-20-2021:

Kirsten H. Pabst (Govt Attorney)  
200 W. Broadway  
Missoula MT 59802  
Representing: State of Montana  
Service Method: eService

Gem Koan Mercer (Attorney)  
610 Woody  
Missoula MT 59802  
Representing: Dale Steven Martell  
Service Method: eService

Electronically signed by Janet Sanderson on behalf of Michael Patrick Dougherty  
Dated: 07-20-2021