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COUNSEL FOR PLAINTIFF AND APPELLEE

IN THE SUPREME COURT OF THE STATE OF MONTANA

No. DA 19-0453

STATE OF MONTANA,

Plaintiff and Appellee,

v.

TOSTON GRAY LAFOURNAISE,

Defendant and Appellant.

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

The Appellee, State of Montana, respectfully requests a 30-day extension of time until September 9, 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 2nd day of August, 2021.

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

By: /s/ Katie F. Schulz
KATIE F. SCHULZ
Assistant Attorney General

Pursuant to Mont. Code Ann. § 1-6-105, I, Katie F. Schultz, hereby declare as follows:

1. I am a licensed, practicing attorney in the State of Montana, and am currently employed by the Montana Department of Justice, Office of Attorney General, Appellate Services Bureau, as an Assistant Attorney General.
2. In my capacity as Assistant Attorney General, I was assigned to handle the above-entitled matter on May 12, 2021.
3. The State's response brief was originally due on June 11, 2021.
4. Due to current workloads and complexity of the issues presented, I have not had time to sufficiently review and prepare a response or discuss the case with the State's attorney or victims.

5. Since being assigned this case, the undersigned has completed the following response briefs: *State v. Howard*, Case No. DA 20-0165, filed May 21, 2021; *State v. Polak, II*, Case No. DA 20-0044, filed June 10, 2021; *In re K.E.R.*, Case No. DA 21-0066, filed June 17, 2021; *Linwood v. Salmonsens*, Case No. OP 21-0287, filed July 9, 2021; *State v. Tipton*, Case No. DA 20-0040, filed July 22, 2021; *In re A.D.*, Case No. 21-0134, filed July 26, 2021; and *In re S.K.*, Case No. DA 21-0101, to be filed by August 6, 2021. The undersigned also filed a notice of filing documents in United States District Court, District of Montana, *Terry Parks v. Montana*, Cause No. CV-20-111-M-DLC-KLD, filed May 13, 2021.

6. In addition to the current matter, the undersigned is also assigned to prepare response briefs in the following cases: *State v. Burnett*, Case No. DA 19-0738, due August 15, 2021 (currently seeking an extension); and *State v. Ellison*, Case No. DA 19-0581, due August 24, 2021.

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

8. I inquired with Mr. Lafournaise's appellate counsel, Chad Wright, and he does not oppose this motion.

9. 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 2nd day of August, 2021.

/s/ Katie F. Schulz
KATIE F. SCHULZ

CERTIFICATE OF SERVICE

I, Kathryn Fey Schulz, hereby certify that I have served true and accurate copies of the foregoing Motion - Unopposed to the following on 08-02-2021:

Chad M. Wright (Attorney)
P.O. Box 200147
Helena MT 59620-0147
Representing: Toston Gray Lafournaise
Service Method: eService

Leo John Gallagher (Govt Attorney)
Lewis & Clark County Attorney Office
Courthouse - 228 E. Broadway
Helena MT 59601
Representing: State of Montana
Service Method: eService

Electronically signed by Janet Sanderson on behalf of Kathryn Fey Schulz
Dated: 08-02-2021