

IN THE SUPREME COURT OF THE STATE OF MONTANA

No. DA 20-0220

STATE OF MONTANA,

Plaintiff and Appellee,

v.

PAUL RUSSELL SMITH,

Defendant and Appellant.

**MOTION FOR EXTENSION OF TIME
WITH AFFIDAVIT IN SUPPORT**

COMES NOW, Kathryn Hutchison, Assistant Appellate Defender for the Appellate Defender Division (ADD), and respectfully requests an extension of time until November 15, 2021, in which to prepare, file, and serve the Appellant's opening brief in the above-entitled matter.

This is Appellant's tenth request for an extension. Appellant's opening brief was first due December 16, 2020. Appellant's opening brief is currently due September 15, 2021. Appellant submits the attached affidavit in support of this motion.

Opposing counsel has been contacted and has no objection.

Respectfully submitted this 7th day of September, 2021.

OFFICE OF STATE PUBLIC DEFENDER
APPELLATE DEFENDER DIVISION
P.O. Box 200147
Helena, MT 59620-0147

By: /s/ Kathryn Hutchison
Kathryn Hutchison
Assistant Appellate Defender

[illegible]

I, Kathryn Hutchison, in compliance with M. R. App. P. 26(2),
declare:

1. I am a licensed, practicing attorney in the State of Montana, and I am currently employed by the Office of the State Public Defender, Appellate Defender Division (ADD), as an Assistant Appellate Defender.

2. I was assigned to represent Mr. Smith in his current appeal, *State v. Smith* (DA 20-0220) on August 19, 2021.

3. Appellant's opening brief was first due December 16, 2020. Appellant's opening brief is currently due September 15, 2021. This is Appellant's tenth request for an extension, but the first since I was personally assigned. I am requesting an extension of 60 days.

4. I am in substantial need of an extension.

5. I review and complete my cases in the order in which they were assigned to me. I have two opening appeal briefs currently due before Mr. Smith's. I am also mindful of pending service of the State's responses in *State v. Crowell*, (DA 19-0350) and *State v. Ellison*, (DA 19-

0581) in the coming days, which will both require my timely reply. Mr. Smith's district court record involves a five-day jury trial and a pre-trial motion hearing. Additional time will be needed to review the transcripts, district court records and consult with my client.

6. Mr. Smith is currently incarcerated at Crossroads Correctional Center in Shelby, Montana.

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

/s/ Kathryn Hutchison
Kathryn Hutchison, Helena, MT

September 7, 2021
Date

CERTIFICATE OF SERVICE

I, Kathryn Gear Hutchison, hereby certify that I have served true and accurate copies of the foregoing Motion - Unopposed to the following on 09-07-2021:

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

Austin Miles Knudsen (Govt Attorney)
215 N. Sanders
Helena MT 59620
Representing: State of Montana
Service Method: eService

Electronically signed by Gerri Lamphier on behalf of Kathryn Gear Hutchison
Dated: 09-07-2021