

## 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.

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**MOTION FOR LATE REQUEST FOR EXTENSION OF TIME**

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COMES NOW, Chad Wright, Appellate Defender for the Appellate Defender Division, and respectfully requests an extension of time until September 24, 2021, in which to prepare, file, and serve the Appellant's reply brief in the above-entitled matter. This is Appellant's first request for an extension. The reply brief was first due August 25, 2021. This request for extension is late because I missed the filing date. I have been monitoring the due dates of four attorneys who have left the ADD in the last year. ADD's case management system was shut down and replaced the second week of August. During the changeover I missed calendaring the extension filing date even though I was actively working on Mr. LaFournaise's Reply Brief. Despite missing the original due date, I am requesting permission to file the Reply Brief within thirty days of the original due date.

Opposing counsel has been contacted and has no objection.

Respectfully submitted this 14th day of September, 2021.

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

By: /s/ Chad Wright  
CHAD WRIGHT  
Appellate Defender

[illegible]

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

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

2. ADD has had significant turnover in 2021 with four attorneys leaving ADD for various reasons. As a result, I have had to track appeal deadlines for additional cases and retained some of these cases rather than assigning them out to other ADD attorneys.

3. Mr. LaFournaise's appeal was one of the cases where I assumed responsibility for taking over appeal representation. I filed the opening brief on May 12, 2021.

4. ADD's case management system was replaced in early August. I also scheduled vacation time on August 19 to take my son to college in Florida. Mr. LaFournaise's Reply Brief due date appeared in the new case management system but did not cross-reference with ADD's Outlook calendaring system. I therefore missed the time to request a thirty-day extension.

5. Mr. Lafournaise is currently incarcerated, but I had spoken to him about the content of the Attorney General's response brief and the approach to drafting the Reply Brief. I also began the brief drafting process. Based on my direct representations to him, Mr. LaFournaise expects a Reply Brief will be filed on his behalf.

6. Opposing counsel has been contacted concerning this motion and has no objection.

7. I declare under penalty of perjury that the foregoing is true and correct.

/s/ Chad Wright  
Chad Wright, Helena, Montana

September 14, 2021  
Date

## **CERTIFICATE OF SERVICE**

I, Chad M. Wright, hereby certify that I have served true and accurate copies of the foregoing Motion - Unopposed to the following on 09-14-2021:

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

Kathryn Fey Schulz (Govt Attorney)  
215 North Sanders  
P.O. Box 201401  
Helena MT 59620-1401  
Representing: State of Montana  
Service Method: eService

Electronically signed by Gerri Lamphier on behalf of Chad M. Wright  
Dated: 09-14-2021