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COUNSEL FOR RESPONDENT AND APPELLEE

IN THE SUPREME COURT OF THE STATE OF MONTANA

No. DA 21-0482

JEFFERY ELEC HAMILTON,

Petitioner and Appellant,

v.

STATE OF MONTANA,

Respondent and Appellee.

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

The Respondent, State of Montana, respectfully requests a 30-day extension of time until March 28, 2022, 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 17th day of February, 2022.

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

By: /s/ Brad Fjeldheim
BRAD FJELDHEIM
Assistant Attorney General

DECLARATION

Pursuant to Mont. Code Ann. § 1-6-105, I, Brad Fjeldheim, 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 the Attorney General, Appellate Services Bureau, as an Assistant Attorney General.
2. In my capacity as Assistant Attorney General, the above-entitled matter was assigned to me on November 24, 2021.
3. The State's response brief is presently due on February 26, 2022. The brief was originally due on November 28, 2021. This is the State's fourth motion for an extension of time.
4. I have been unable to complete the brief in this case due to my workload. I have recently completed the following briefs: *State v. Bonacorsi*, DA

21-0051, completed and preparing to file; *State v. Derby*, DA 19-0711, filed February 20, 2022; and *Risher v. State*, OP 21-0051, filed January 4, 2022.

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

6. Appellant is pro se and incarcerated and has not been contacted regarding this motion for extension of time.

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 17th day of February, 2022.

/s/ Brad Fjeldheim
BRAD FJELDHEIM

CERTIFICATE OF SERVICE

I, Brad Fjeldheim, hereby certify that I have served true and accurate copies of the foregoing Motion - Extension of Time to the following on 02-17-2022:

Jeffery Elec Hamilton (Appellant)
700 Conley Lake Road
Inmate: 3015466
Deer Lodge MT 59722
Service Method: Conventional

Electronically signed by Dia Lang on behalf of Brad Fjeldheim
Dated: 02-17-2022