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COUNSEL FOR RESPONDENT AND APPELLEE

IN THE SUPREME COURT OF THE STATE OF MONTANA

No. DA 19-0471

STATE OF MONTANA,

Plaintiff and Appellee,

v.

CARESSA JILL HARDY, aka
GLENN LEE DIBLEY,

Defendant and Appellant.

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

The Appellee, State of Montana, respectfully requests a 60-day extension of time until September 6, 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 23rd day of June, 2022.

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

By: /s/ Mardell Ployhar
MARDELL PLOYHAR
Assistant Attorney General

DECLARATION

Pursuant to Mont. Code Ann. § 1-6-105, I, Mardell Ployhar, 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 have been assigned to handle the above-entitled matter.
3. The State's Appellee's brief was originally due on June 8, 2022, and is presently due on July 8, 2022. This is the State's second Motion for Extension of Time, and the State is requesting a 60-day extension to file the State's brief.

4. I have been unable to complete my brief in this case due to my workload. In the past 30 days, I have drafted a substantial portion of my brief in both *State v. Winzenburg*, DA 20-0502, and *Johnston v. State*, DA 21-0510. I have been unable to file *Winzenburg* because I am waiting for resolution of a dispute about the record, but I will file my brief in *Johnston* shortly.

5. I will work diligently to complete the matter in the time requested.

6. Opposing counsel has been contacted 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 23rd day of June, 2022.

/s/ Mardell Ployhar
MARDELL PLOYHAR

CERTIFICATE OF SERVICE

I, Mardell Lynn Ployhar, hereby certify that I have served true and accurate copies of the foregoing Motion - Unopposed to the following on 06-23-2022:

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

Tammy Ann Hinderman (Attorney)
Montana State Public Defender
Appellate Defender Division
P.O. Box 200147
Helena MT 59620
Representing: Caressa Jill Hardy
Service Method: eService

Electronically signed by LaRay Jenks on behalf of Mardell Lynn Ployhar
Dated: 06-23-2022