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9 **IN THE SUPREME COURT OF THE STATE OF MONTANA**

10 BILLY LEE HENDERSON, III,
11 Appellant / Defendant,
12 -vs-
13 STATE OF MONTANA,
14 Appellee / Plaintiff.

15 Cause No. DA 22-0084

16 **(UNOPPOSED)
MOTION FOR EXTENSION OF
TIME TO FILE REPLY BRIEF**

17 **COMES NOW** Appellant / Defendant, Billy Lee Henderson, III, by and through counsel
18 of record, Mathew Stevenson, hereby submits for this Court's review the foregoing MOTION
19 FOR EXTENSION OF TIME (to file reply brief). The current deadline for the filing of reply
20 brief is October 3, 2022. The reason for the proposed ORDER is elucidated in the attached
21 AFFIDAVIT IN SUPPORT (pursuant to Mont. Rules App. Pro.: 26(2)). Counsel requests that
22 the existing deadline be extended to the date of Tuesday, October 11, 2022. The State (Schulz
23 on behalf of— Office of the Montana Attorney General) has been contacted and does not oppose
24 this motion.

25 DATED this 28th day of September, 2022.

16 */s/ Mathew M. Stevenson*
17 Mathew Stevenson
18 Attorney for Billy Lee Henderson, III

CERTIFICATE OF SERVICE

I hereby certify that on September 28, 2022, I served a true and accurate copy of the foregoing MOTION FOR EXTENSION OF TIME, via E-Filing, to Office of the Montana Attorney General, P.O. Box 201401, Helena, MT 59620-1401 and via U.S. mail postage prepaid to Billy Lee Henderson, III, Montana State Prison, 400 Conley Lake Road, Deer Lodge, MT 59722.

DATED this 28th day of September, 2022.

/s/ Mathew M. Stevenson
Mathew M. Stevenson

STATE OF MONTANA

)

: ss.

AFFIDAVIT IN SUPPORT OF

County of Missoula

)

MOTION FOR EXTENSION OF TIME

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

- 1) I am a licensed attorney in the State of Montana;
- 2) I am an associate attorney at the Stevenson Law Office;
- 3) I am an attorney for Appellant-Defendant Billie Lee Henderson;
- 4) His Reply brief, under cause number DA-22-84, is presently due no later than October 3, 2022;
- 5) The opening brief (in this case) was originally due May 6, 2022;
- 6) The length of the requested extension (for Reply) is to Tuesday, October 11, 2022;
- 7) The extension is necessary, due to the following information; multiple extensions have been requested in this case, by the AG's, for the filing of the Response brief. These appear to have been requested, due to the depth of legal citation by the State, as evidenced in the Response brief. As a consequence of the detail of the AG's Response brief, more time for research (for the Reply) would benefit the Appellant/Defendant;
- 8) The extension is further necessary for the following reasons: I have been tasked with writing the Reply to the State's Response brief in this matter on

Thursday, September 15, 2022 and have been ill and unable to work between Thursday, September 23, 2022 and Wednesday, September 28, 2022; which has not allowed sufficient time to research and reply in detail to the State's Response brief;

- 9) The office of the Attorney General (Schulz) has been contacted and does not oppose this motion.

/s/ Kimberly J. Wein

Kimberly J. Wein, Missoula, MT

September 28, 2022

Date

CERTIFICATE OF SERVICE

I, Mathew M. Stevenson, hereby certify that I have served true and accurate copies of the foregoing Motion - Unopposed to the following on 09-28-2022:

Kirsten H. Pabst (Govt Attorney)
200 W. Broadway
Missoula MT 59802
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: Mathew M. Stevenson
Dated: 09-28-2022