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COUNSEL FOR PLAINTIFF AND APPELLEE

IN THE SUPREME COURT OF THE STATE OF MONTANA

No. DA 21-0186

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STATE OF MONTANA,

Plaintiff and Appellee,

v.

DONALD RAY SAGE,

Defendant and Appellant.

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

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The Appellee, State of Montana, respectfully requests a 30-day extension of time until December 13, 2022, in which to prepare, file, and serve its response brief in the above-entitled matter.

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In support of this motion, undersigned counsel submits the following Declaration.

Dated this 3rd day of November, 2022.

AUSTIN KNUDSEN  
Montana Attorney General  
215 North Sanders  
P.O. Box 201401  
Helena, MT 59620-1401

By: /s/ Katie F. Schulz  
KATIE F. SCHULZ  
Assistant Attorney General

### **DECLARATION**

Pursuant to Mont. Code Ann. § 1-6-105, I, Katie F. Schultz, 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 Section, as an Assistant Attorney General.
2. In my capacity as Assistant Attorney General, I was assigned to handle the above-entitled matter on August 16, 2022.
3. The State's response brief was originally due on September 14, 2022, and is presently due on November 13, 2022. This is the State's third Motion for Extension of Time.

4. Due to my current workload, I have been unable to complete the State's response brief and consult with the prosecuting attorney about this case.

Since this case was assigned to me, I have submitted the following pleadings with this Court: *State v. Henderson*, Case No. DA 22-0084 (Response Brief), filed August 23, 2022; *State v. Temple*, Case No. DA 20-0221 (Response Brief), filed August 30, 2022; *State v. Rounsville*, Case No. 21-0132 (Response Brief), filed October 5, 2022; *In re S.M.*, Case No. DA 21-0622 (Response to Petition for Rehearing), filed October 24, 2022; and *State v. Gluckeen*, Case No. DA 21-0495 (concession). In addition, on October 21, 2022, I submitted an Answer to a federal habeas petition in *Belanus v. Montana*, Mont. Dist. Court Case No. CV 16-104-H-DLC-JTJ.

Finally, I am also assigned to draft response briefs in *State v. Erickson*, Case No. DA 22-0146, due November 14, 2022; *State v. Pruitt*, Case No. DA 21-0130, due November 20, 2022; and *State v. Belgarde*, Case No. 22-0582, due November 25, 2022.

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

6. Opposing counsel, James Reavis, does not oppose this motion.

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 3rd day of November, 2022.

/s/ Katie F. Schulz  
KATIE F. SCHULZ

## CERTIFICATE OF SERVICE

I, Kathryn Fey Schulz, hereby certify that I have served true and accurate copies of the foregoing Motion - Unopposed to the following on 11-03-2022:

Ben Krakowka (Govt Attorney)  
Office of the County Attorney  
800 Main  
Anaconda MT 59711  
Representing: State of Montana  
Service Method: eService

James Richard Reavis (Attorney)  
Office of the Appellate Defender  
555 Fuller Ave.  
Helena MT 59601  
Representing: Donald Ray Sage  
Service Method: eService

Electronically signed by Wendi Waterman on behalf of Kathryn Fey Schulz  
Dated: 11-03-2022