

**IN THE SUPREME COURT OF THE STATE OF MONTANA**No. DA 22-0170

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STATE OF MONTANA,

Plaintiff and Appellee,

v.

NED BRYANT GARDNER,

Defendant and Appellant.

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**UNOPPOSED MOTION FOR EXTENSION OF TIME  
WITH AFFIDAVIT IN SUPPORT**

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COMES NOW, James Reavis, Assistant Appellate Defender for the Appellate Defender Division, and respectfully requests an extension of time until August 7, 2023, in which to prepare, file, and serve the Appellant's opening brief in the above-entitled matter. This is Appellant's eleventh request for an extension. Appellant's opening brief was first due August 8, 2022. Appellant's opening brief is currently due July 7, 2023. Appellant submits the attached affidavit in support of this motion.

Opposing counsel has been contacted and has no objection.

Respectfully submitted this 26th day of June 2023.

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

By: /s/ James Reavis  
**JAMES REAVIS**  
Assistant Appellate Defender



5. I am also counsel of record in *State v. Hogues* (DA 22-0199), *Matter of E.W.* (DA 21-0322), *State v. Knowles* (DA 22-0363), and *State v. Carnes* (DA 21-0648). Opening briefs or reply briefs are pending in these cases.

6. Since my last extension, I filed an opening brief in *Matter of N.T.* (DA 21-0583) and a reply brief in *State v. Hobble* (DA 21-0309).

7. The State has been contacted and does not object to this request.

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

9. My client is incarcerated.

10. I declare under penalty of perjury that the above is true and correct.

/s/ James Reavis  
James Reavis, Helena, MT

June 26, 2023  
Date

## CERTIFICATE OF SERVICE

I, James Richard Reavis, hereby certify that I have served true and accurate copies of the foregoing Motion - Unopposed to the following on 06-26-2023:

Austin Miles Knudsen (Govt Attorney)  
215 N. Sanders  
Helena MT 59620  
Representing: State of Montana  
Service Method: eService

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

Electronically signed by Kim Harrison on behalf of James Richard Reavis  
Dated: 06-26-2023