

## IN THE SUPREME COURT OF THE STATE OF MONTANA

NO. DA 23-0041

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STATE OF MONTANA,  
*Plaintiff and Appellee,*

v.

BENEDICT DALE FREDERICKS,  
*Defendant and Appellant.*

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

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COMES NOW, Nathan D. Ellis, of Ellis Law, PLLC, and respectfully requests an extension of time until February 5, 2024, 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 March 6, 2023. Appellant's opening brief is currently due January 5, 2023. Appellant submits the attached affidavit in support of this motion.

Opposing counsel has been contacted and has no objection.

Respectfully submitted this 26<sup>th</sup> day of December, 2023.

Ellis Law, PLLC

/s/ Nathan D. Ellis

Nathan D. Ellis

Attorney for Defendant and Appellant

County of Lewis and Clark )

I, Nathan D. Ellis, in compliance with M. R. App. P. 26(2), declare:

1. I am a licensed, practicing attorney in the State of Montana, and I am a contract attorney for the Montana Office of State Public Defenders.

2. On November 20, 2023, I was appointed counsel for Appellant Benedict Dale Fredericks concerning Case No. DA 23-0041.

3. Appellant's opening brief is currently due January 5, 2024.

4. Appellant is requesting a 31-day extension, until February 5, 2024, to file his opening brief.

5. The requested additional time will be needed for assigned counsel to be able to review the record and provide effective assistance of counsel.

6. Opposing counsel has been contacted concerning this motion and does not object.

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/s/ Nathan D. Ellis

December 26, 2023  
Date

## **CERTIFICATE OF SERVICE**

I, Nathan Daniel Ellis, hereby certify that I have served true and accurate copies of the foregoing Motion - Unopposed to the following on 12-26-2023:

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

Scott D. Twito (Govt Attorney)  
PO Box 35025  
Billings MT 59107  
Representing: State of Montana  
Service Method: eService

Electronically Signed By: Nathan Daniel Ellis  
Dated: 12-26-2023