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COUNSEL FOR PLAINTIFF AND APPELLEE

IN THE SUPREME COURT OF THE STATE OF MONTANA

No. DA 23-0633

STATE OF MONTANA,

Plaintiff and Appellee,

v.

DAVID RAY SCHULTZ,

Defendant and Appellant.

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

The Appellee, State of Montana, requests a 30-day extension of time until
September 11, 2024, in which to prepare, file, and serve its response brief in the

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above-entitled matter. In support of this motion, undersigned counsel submits the following Declaration.

Respectfully submitted this 2nd day of August, 2024.

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

By: /s/ Brad Fjeldheim
BRAD FJELDHEIM
Assistant Attorney General

DECLARATION

Pursuant to Mont. Code Ann. § 1-6-105, I, Brad Fjeldheim, 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 the Attorney General, Appellate Services Bureau, as an Assistant Attorney General.
2. The State's response brief is presently due on August 12, 2024, and this is the State's third motion for an extension of time.
3. I have been unable to complete the brief in this case due to my workload. I have recently presented the Montana Supreme Court Update at the Montana County Attorneys Convention on July 9, 2024, and filed briefs in *State v.*

Atkins, DA 22 0611, filed May 20, 2024, and *State v. Bertsch*, DA 22-0042, filed May 8, 2024. I have also drafted and am preparing to file an answer to a federal habeas petition in *Sherbondy v. Salmonsens*, U.S. District Court of Montana, Cause No. CV 24-13.

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

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

6. 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 2nd day of August, 2024.

/s/ Brad Fjeldheim
BRAD FJELDHEIM

CERTIFICATE OF SERVICE

I, Brad Fjeldheim, hereby certify that I have served true and accurate copies of the foregoing Motion - Unopposed to the following on 08-02-2024:

Chad M. Wright (Attorney)
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Service Method: eService

Scott D. Twito (Govt Attorney)
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Electronically signed by LaRay Jenks on behalf of Brad Fjeldheim
Dated: 08-02-2024