

## IN THE SUPREME COURT OF THE STATE OF MONTANA

No. DA 23-0403

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CITY OF HARDIN,

Plaintiff and Appellee,

v.

ANDRE ANTHONY,

Defendant and Appellant.

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

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COMES NOW, Kathryn Grear Hutchison, Assistant Appellate Defender for the Appellate Defender Division, and respectfully requests a 60-day extension of time until October 11, 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 September 13, 2023. Appellant's opening brief is currently due August 2, 2024. Appellant submits the attached affidavit in support of this motion.

Opposing counsel has been contacted and has no objection.

Respectfully submitted this 5th day of August, 2024.

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

By: /s/ Kathryn Grear Hutchison  
KATHRYN GREAR HUTCHISON  
Assistant Appellate Defender

[illegible]

I, Kathryn Grear Hutchison, 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 currently employed by the Office of the State Public Defender, Appellate Defender Division, (ADD), as an Assistant Appellate Defender.

2. I was assigned to represent Mr. Anthony in his current appeal, *City of Hardin v. Anthony* (DA 23-0403). Mr. Anthony is not currently incarcerated.

3. Appellant's opening brief was initially due September 13, 2023, and is presently due August 12, 2024. This is Appellant's eleventh request for an extension, but the second since I was personally assigned to the case. I am requesting an extension of 60 days.

4. I review and complete my cases in the order in which they were assigned to me.

5. The opening brief in this case is my third priority opening brief, as I have two others that have been pending longer. I am in need

of additional time to review the lower court record and audio transcripts, conduct legal research, consult with my client and draft an opening brief. I am counsel of record in seven other pending appeals: *State v. Wood*, DA 21-0260, *State v. Brady*, DA 23-0251, *State v. Copyak*, DA 23-0128, *State v. Baertsch*, DA 23-0180, *In re M.S.* DA 23-0376, *In re M.D.*, DA 23-0440, and *In re B.F.*, DA 23-0458.

6. I will work diligently to complete the opening brief in the requested time.

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

8. I declare under penalty of perjury that the foregoing is true and correct.

/s/ Kathryn Grear Hutchison  
Kathryn Grear Hutchison, Helena, MT

August 5, 2024  
Date

## **CERTIFICATE OF SERVICE**

I, Kathryn Gear Hutchison, hereby certify that I have served true and accurate copies of the foregoing Motion - Unopposed to the following on 08-05-2024:

Jordan Wyatt Knudsen (Govt Attorney)  
PO Box 450  
Hardin MT 59034  
Representing: Hardin, City of  
Service Method: eService

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

Electronically signed by Kim Harrison on behalf of Kathryn Gear Hutchison  
Dated: 08-05-2024