FILED
05/27/2026
Bowen Greenwood
CLERK OF THE SUPREME COURT
STATE OF MONTANA
Case Number: DA 25-0789

IN THE SUPREME COURT OF THE STATE OF MONTANA

DA 25-0789

DAVID GARY BURTON,

Petitioner and Appellant,

v. O R D E R

STATE OF MONTANA,

Respondent and Appellee.

Appellant David Gary Burton has filed a motion for reconsideration of the Court's order denying his latest motion to extend the deadline 90 days to August 17, 2026, and granting him 30 days, until June 5, 2026, to file his opening brief with no further extensions. The Court notes the brief was originally due December 17, 2025. Appellant's first motion for extension was for 90 days, his second motion was for 60 days, and his third motion asked for another 90 days, which would make his opening brief due 240 days after the due date.

Appellant represents that he did not receive the Court's order of February 24, 2026, granting him until May 18, 2026, to file his opening brief with no further extensions, which included the Court's Appellate Handbook. However, the Court confirmed with the Clerk's office that the Order and Handbook were mailed to Appellant and were not sent back as undelivered.

Notwithstanding the above, Appellant represents he never received the Court's Order of February 24, 2026. He states he learned of the Order from another person, who saw the Order on the Court's website. In light of Appellant's difficulty obtaining his mail, we deem his motion to reconsider well taken.

Upon review of Appellant's motion for reconsideration,

IT IS HEREBY ORDERED that Appellant shall have until August 17, 2026, to prepare, file, and serve the opening brief on appeal.

The Court will not entertain any further motions for extension for any reason. If the brief is not filed by August 17, 2026, this appeal will be dismissed with prejudice.

Electronically signed by:
Cory Swanson
Chief Justice, Montana Supreme Court
May 27 2026