

IN THE SUPREME COURT OF THE STATE OF MONTANA

No. DA 08-0244

STATE OF MONTANA,

Plaintiff and Appellee,

v.

BARRY BEACH,

Defendant and Appellant.

MOTION FOR EXTENSION OF TIME

The Appellee, State of Montana, respectfully requests a 30-day extension of time until September 8, 2008, in which to prepare, serve, and file its response brief in the above-entitled matter. The brief is presently due on August 8, 2008, and this is the State's first extension request.

This motion is made due to the heavy workload under which the attorney assigned to this case is presently working, making it impossible to properly research, consider, and brief the issues raised by the Appellant within the time allotted.

Opposing counsel have been contacted regarding this motion by leaving messages at their law offices. The undersigned counsel for Appellee was advised that Mr. Toavs was away from his office and that Mr. Camiel was unavailable at the time of the call.

Counsel for Appellee does not know whether there is any objection to this extension request.

Respectfully submitted this 8th day of August, 2008.

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

By: John Paulson
JOHN PAULSON
Assistant Attorney General

CERTIFICATE OF SERVICE

I hereby certify that I caused a true and accurate copy of the foregoing Motion for Extension of Time to be mailed to:

Mr. Terrance L. Toavs
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Mr. Peter Camiel
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DATED: August 8, 2008 Respectfully for Submitted