

In the Court of Appeals of the State of Alaska

State of Alaska,

Petitioner,

v.

Harry N Powell,

Respondent.

Court of Appeals No. **A-13326**

Order

Motion to Extend Time to File Brief

Date of Notice: **May 13, 2019**

Trial Court Case No. **3AN-17-07280CR**

Before: Allard, Chief Judge, Wollenberg, and Harbison, Judges.

On February 12, 2019, this Court granted the State's petition for review in this case and ordered further briefing. Because the case is still in the pretrial phase, the Court ordered an expedited briefing schedule. The Court ordered the State to file an opening brief within 30 days after the record was certified and ordered Powell to file a responsive brief within 30 days after the State's brief was filed. The order provided that the briefing deadlines "may not be extended except upon a showing of good cause."

The State timely filed its opening brief, but Powell's attorney now asks the Court to grant a 55-day extension of time to file the Respondent's brief. As "good cause" for the extension, Powell's attorney's affidavit states only that an extension is necessary due to counsel's previously assigned case load and due to the complex legal issues that require briefing on legislative history.

Notably, the affidavit does not explain why Powell's attorney's other assigned cases should take priority over this one, whether any of the other cases are also in the pretrial phase, and whether any of the other cases have expedited briefing

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schedules. Given the lack of detail in the affidavit, the Court will not grant the full extension of time requested.

The Respondent's motion for an extension is therefore GRANTED IN PART. The Respondent's brief shall be filed on or before **June 27, 2019**.

Entered by direction of the court.

Clerk of the Appellate Courts

Kyle Roberts, Deputy Clerk

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