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IN THE UTAH COURT OF APPEALS

STATE OF UTAH,	:	MOTION FOR 6-BUSINESS-DAY
Plaintiff/Appellee,	:	ENLARGEMENT OF TIME FOR
	:	PREPARING APPELLEE'S BRIEF
v.	:	
S. STEVEN MAESE,	:	Case No. 20090084-CA
Defendant/Appellant.	:	

Appellee, the State of Utah, moves the Court, pursuant to Rule 22(b), Utah Rules of Appellate Procedure, for a 6-business-day enlargement of time from September 4, 2009 to September 15, 2009, to file its brief. The State has received two previous 30-day extensions of time. This motion is based on the following reasons:

1. Complexity of litigation. Defendant has filed a 65-page brief with four main points and several sub-issues. Defendant was convicted after a two-day jury trial and the record includes three pleadings file volumes and four transcript volumes.

2. Involvement in other litigation. In the past 30 days, counsel has filed an appellate brief in *State v. Brown*, Case No. Case No. 20080771-CA.

3. Other considerations. During the past 30 days, counsel has had several administrative and supervisory duties to attend to, which have been significantly greater than usual. The Criminal Appeals Division Chief, Fred Voros, was out of the office for two weeks during August. As the Appellate Section Chief, counsel was acting Division Chief during that time, which included reviewing and editing briefs by other attorneys in the Division, consulting with prosecutors from around the State, and attending various other meetings. Counsel was unable to do significant work on the brief in this case during that time.

The Criminal Appeals Division has also been operating under a much higher caseload than usual and, due to budgetary constraints, has been down one attorney for the past several months. This necessarily increases the caseload for all the attorneys in the Division.

In addition to the foregoing, counsel yesterday had to unexpectedly take time off to take her spouse, who has a long-term debilitating medical condition, for a medical appointment.


4. Because of the State's current high caseload, there are no other attorneys within the office who can handle this appeal at this time. However, during the past week and weekend, counsel has worked overtime on the brief to complete it.

5. Defendant is *not* incarcerated, but is on probation for the convictions in this case, as well as for misdemeanor convictions in another case. *See* District Court Docket, Case No. 081903234, attached. Defendant pled guilty in the other case and is not appealing those convictions.

6. Defendant, who is *pro se*, has opposed both the State's prior requests for an extension. Counsel believes that the foregoing constitutes exigent circumstances and, therefore, asks this Court to grant a final extension of 6 business days. Granting this short extension will not unduly delay the appeal, nor will it prejudice the Defendant given that he is also on probation in another case.

DATED this 15th day of September, 2009.

MARK SHURTLEFF
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