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IN THE SUPREME COURT OF THE STATE OF IDAHO

| | | |
|---------------------------|---|------------------------------|
| STATE OF IDAHO, |) | |
| |) | NO. 50087-2022 |
| Plaintiff-Respondent, |) | |
| |) | ADA COUNTY NO. CR01-21-34839 |
| v. |) | |
| |) | MOTION FOR SECOND EXTENSION |
| AARON ANSON VON EHLINGER, |) | OF TIME FOR FILING |
| |) | APPELLANT'S BRIEF |
| Defendant-Appellant. |) | |
| _____ |) | |

Aaron Anson Von Ehlinger, moves this Court for an order extending the time in which the appellant's brief will be due until June 19, 2023. This motion is based on the attached declaration.

DATED this 15th day of May, 2023.

/s/ Eric D. Fredericksen
ERIC D. FREDERICKSEN
State Appellate Public Defender

DECLARATION

I, Eric D. Fredericksen, declare under penalty of perjury, pursuant to the law of the State of Idaho, that the following is true and correct:

(1) The appellant's brief was originally due on April 10, 2023, and is currently due on May 15, 2023. This Court has already granted one extension of time, and has not denied any requested extensions of time.

(2) I have been unable to prepare the instant Appellant's Brief in the applicable time limits. During the past 35 days, I have been completing and finalizing evaluations at the SAPD, devising a plan for the SAPD's CEC and equitable resource appropriations, litigating the appointment of conflict counsel in *Abdullah v. State of Idaho*, CV-01-20-14291 in the district court, forecasting appropriations for potential capital cases in FY2025, and managing SAPD attorneys and support staff.

(3) I request an extension of 35 days, which would make the appellant's brief due on June 19, 2023. I will make all efforts to file the brief by that date.

/s/ Eric D. Fredericksen
ERIC D. FREDERICKSEN
State Appellate Public Defender

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 15th day of May, 2023, I caused a true and correct copy of the foregoing MOTION FOR SECOND EXTENSION OF TIME FOR FILING APPELLANT'S BRIEF and DECLARATION to be served as follows:

KENNETH K. JORGENSEN
DEPUTY ATTORNEY GENERAL
E-Service: ecf@ag.idaho.gov

/s/ Evan A. Smith
EVAN A. SMITH
Administrative Assistant

EDF/eas