



State's Attorney

December 6, 2019

Birch P. Burdick

Clerk of the Supreme Court
Supreme Court of the United States
1 First Street, NE
Washington, D.C. 20543

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**Re: Barry C. Garcia v. State of North Dakota
Docket No. 19-399**

Dear Clerk:

On behalf of the Respondent State of North Dakota, I respectfully request an extension of time to respond to the Petition in the above-referenced matter. The current schedule for a response is December 16, 2019. I request a 30-day extension to January 15, 2020.

The reasons for this request are as follows:

- I oversee an office of 30+ attorneys and support staff.
- My office is responsible for criminal cases and civil legal counsel to county government.
- I handle the civil matters, as well as various criminal matters.
- Over the last 20+ years, I am the only attorney who has dealt with Petitioner Garcia's files.
- During the period when the responsive brief was scheduled, unrelated and significant legal and personnel matters arose requiring my personal involvement including, among others:
 - an investigation and response involving employment matters in a large county department;
 - the necessity to fill a vacancy in my office staff, in which I play a key role in the process, so as to alleviate the workload on other staff; and
 - a pending post-conviction relief case involving a double homicide.
- When the Supreme Court scheduled the response, I was out of town for several days on business-related meetings.

Opposing counsel has no objection to this extension.

Thank you for your consideration of this request.

Sincerely,

A handwritten signature in black ink, appearing to read "B. Burdick", written in a cursive style.

Birch P. Burdick
Cass County State's Attorney

BPB/lr

Cc: John R. Mills (via email and US Mail)
Namrata Kotwani (via email and US Mail)