

A.C. 42332

RICHARD HOUGHTALING : **APPELLATE COURT**
v. : **STATE OF CONNECTICUT**
COMMISSIONER OF CORRECTION : **JULY 24, 2019**

MOTION FOR EXTENSION WITHIN WHICH TO FILE BRIEF

Pursuant to Practice Book §§ 66-1 and 66-2, the Appellee, the Commissioner of Correction, respectfully requests an extension of time until **November 26, 2019**, within which to file his brief in this matter, which is currently due on August 12, 2019. This is the Commissioner's first request for an extension of time. The petitioner is incarcerated. Assigned counsel for the petitioner, Daniel Erwin, has no objection to the granting of this motion.

I. BRIEF HISTORY OF THE CASE

After the denial of his motion to suppress evidence, the petitioner entered a conditional plea of nolo contendere and was convicted, on March 22, 2013, of sale of a controlled substance, in violation of General Statutes § 21a-277(b), and possession of greater than four ounces of marijuana, in violation of General Statutes § 21a-279(b). He was sentenced on May 24, 2013, to a total effective term of five years of incarceration, suspended after four years, followed by five years of probation. His convictions were upheld on appeal. *State v. Houghtaling*, 155 Conn. App. 794 (2015), *affirmed*, 326 Conn. 330 (2017), *cert. denied*, 138 S.Ct. 1593 (2018).

II. SPECIFIC FACTS RELIED UPON

I am currently working on the Commissioner's brief in *Woods v. Commissioner of Correction*, A.C. 41987, which is due on August 6, 2019, and on a motion to dismiss in *In re*

Fee Waiver Application of Gary Damato, A.C. 43155. After I complete those projects, I will be on vacation in Oregon and Washington from August 7 through August 18, 2019.

When I return, I will begin working on the state's brief in *State v. Holmgren*, A.C. 41448, which is due on August 28, 2019, but I will most likely need an extension of time to file that brief. Thereafter, I will turn my attention to the state's brief in *State v. Wilson*, A.C. 42914, a murder appeal with an extensive transcript. That brief is currently due on September 30, 2019. I will be seeking an extension of time to file the brief in that case because: (1) the *Holmgren* brief will likely not be filed until early September; (2) I have five arguments pending on the first term dockets of this Court and the Supreme Court; and (3) my colleague Ronald Weller and I will be supervising our Israeli intern, who arrives in early September. In addition, I will be out of the office for three working days in October 2019.

After I file the brief in *Wilson*, I can begin working on the Commissioner's brief in this matter. Wherefore, the Commissioner requests an extension of time until **November 26, 2019**, to file his brief in this case.

III. LEGAL BASIS

The Commissioner brings this motion pursuant to Practice Book §§ 66-1 and 66-2.

Respectfully submitted,

THE COMMISSIONER OF CORRECTION
– APPELLEE

By: /s/ NANCY L. WALKER
Assistant State's Attorney
Appellate Bureau
Office of the Chief State's Attorney
300 Corporate Place
Rocky Hill, CT 06067
Telephone: (860) 258-5807
Facsimile: (860) 258-5828
Juris No. 434323
Nancy.Walker@ct.gov
DCJ.OCSA.Appellate@ct.gov

CERTIFICATION

Pursuant to Practice Book §§ 62-7 and 66-3, I certify that this document does not contain any names or personal identifying information the disclosure of which is prohibited, that it complies with all applicable rules of appellate procedure, and that a copy hereof was sent electronically to: Daniel M. Erwin, Assigned Counsel, Pieszak, Miller & Brodeur, LLC, 100 Essex Street, Suite 2E, P. O. Box 173, West Mystic, CT 06388, Tel: (860) 535-1989 / Fax: (860) 535-3919, Email: Daniel.Erwin@PMB-LLC.com, on July 24, 2019.

/s/ NANCY L. WALKER
Assistant State's Attorney