

A.C. 43174

STATE OF CONNECTICUT

: APPELLATE COURT

VS.

:

BRUCE JOHN BEMER

:

October 23, 2019

**OPPOSITION TO STATE’S MOTION FOR EXTENSION OF TIME TO FILE BRIEF**

The Defendant opposes the State’s motion for a 120-day extension of time to file its brief on the ground that such an extension is too great in light of the Defendant’s right—and the public’s—to have criminal cases disposed of promptly.

**I. Factual Basis for Opposition**

The Defendant filed his brief as appellant with only one 30-day extension. That the State’s counsel must prepare three briefs in other appeals over the next three months is not a reason for a 4-month extension. An additional 90 days should be sufficient to prepare the State’s brief in this appeal.

**II. Legal Basis for Opposition**

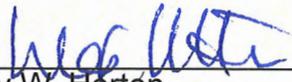
The Defendant is entitled to have his criminal appeal processed by both his counsel and the State’s counsel with all deliberate speed. If the State’s motion is granted, it will have had 150 days from the filing of the Defendant’s brief to file its brief. That the State may be short on resources is not a compelling response.

The state’s announced reason for its delay, the workload in its appellate office, is a reason which we have discountenanced in the past; *Chanosky v. City Building Supply Co.*, supra, 152 Conn. 452, 208 A.2d 337. At best, congestion in the office is a neutral reason, showing only that the state’s delay is not deliberate; it is not a satisfactory explanation. *State v. Nims*, supra, 180 Conn. at 593, 430 A.2d 1306.

*State v. Files*, 183 Conn. 586, 590 (1981).

If the only way the State can obtain more resources is by pointing out to the funding source that the State will otherwise be in default of court deadlines, then that is the remedy rather than forcing the Defendant to wait, and wait, and wait, while his fate is determined.

DEFENDANT, BRUCE J. BEMER

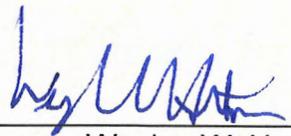
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**CERTIFICATION**

I certify in accordance with the provisions of § 62-7 and that (1) on October 23, 2019 a copy was delivered by email to counsel of record listed below; (2) the document has been redacted or does not contain any names or other personal identifying information or case law; and (3) that the document complies with all applicable rules of appellate procedure.

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