

Respondent has further failed to timely file for an extension of time in which to file their brief. Minn. R. Civ. App. P. 131.02 Application for Extension of Time, Subdivision 1, No extension of the time fixed for filing of a brief will be granted except upon a motion pursuant to Rule 127 made within the time specified for the filing of the brief.

Appellant timely filed his notice of appeal on February 23, 2018, and filed his brief on March 23, 2018. The Register of Actions in this case shows no entries beyond the April 6, 2018 notice of case files, transcripts and exhibits being sent to the Appellate court. Respondent has failed to meet any of the requirements past their March 29,, 2018 filing of the notice of appearance.

Because Respondent has failed to meet the requirements set forth per the Rules of Minn. Civ. App. P, they have thereby defaulted thus given up their right to file a brief in this matter. Appellant respectfully asks this court for a motion denying the States opportunity to file a brief and that in the absence of the said brief appellant's petition for post-conviction relief be granted in entirety.

Dated _____, 2018

Respectfully Submitted,

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OID 123479
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