

**IN THE
MISSOURI COURT OF APPEALS
WESTERN DISTRICT**

RYAN FERGUSON,)	
)	
Appellant,)	
)	
v.)	No. WD71264
)	
STATE OF MISSOURI,)	
)	
Respondent.)	

MOTION FOR EXTENSION OF TIME TO FILE BRIEF ON APPEAL

Now comes Appellant, Ryan Ferguson, by and through his attorneys, Kathleen T. Zellner & Associates and Samuel Henderson, and in support of his Motion for an Extension of Time to File Brief on Appeal, states as follows:

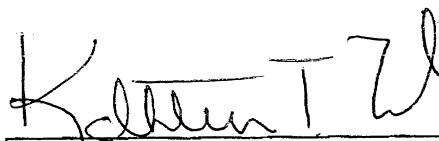
1. Appellant’s Brief on Appeal is due on February 16, 2010.
2. Appellant’s attorneys have now obtained and reviewed the Record on Appeal in this case as well as the transcripts and materials from the underlying trial.
3. Appellant’s attorneys have determined that in order to properly represent Appellant, a Motion to Remand¹ the case in light of the new evidence should be filed.
4. The new evidence is a sworn videotaped statement of Chuck Erickson obtained on November 22, 2009.

¹ That motion is filed simultaneously with the current motion.

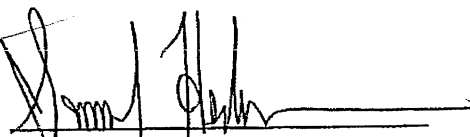
5. The content of the videotaped statement and its implications are described in detail in Appellant's aforementioned Motion To Remand.
6. In summary, Appellant submits that the videotaped statement establishes his innocence.
7. Whether the Motion to remand is granted will have an effect on the ultimate issues raised in Appellant's Brief on Appeal.
8. In accord with principles of fundamental fairness and judicial economy, Appellant respectfully requests that this Court grant Appellant an extension of time of 14 days to and including March 2, 2010 for the filing of his Appellant Brief.

WHEREFORE, defendant/appellant respectfully requests an order extending the due date for the Brief on Appeal to March 2, 2010.

Respectfully Submitted,



Kathleen. T. Zellner



Mr. Samuel Henderson
(MBE 56330)

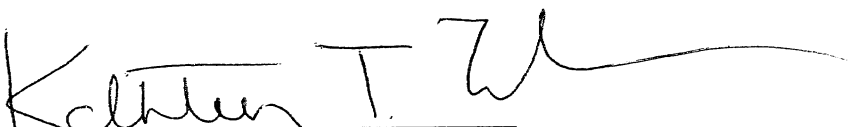
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CERTIFICATE OF SERVICE

I hereby certify that on this 5th day of February, 2010, a true and correct copy of the forgoing was served upon all parties of record in this case in an envelope, postage fully prepaid, and by depositing said envelope in a U.S. Post Office Mail Box to the following individuals.

Mr. Shaun J. Mackelprang
Assistant Attorney General
P.O. Box 899
Jefferson City, MO 65102



Kathleen T. Zellner