

## IN THE SUPREME COURT OF NORTH DAKOTA

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The State of North Dakota,

Plaintiff and Appellee,

v.

Byron Loran Whetsel,

Defendant and Appellant,

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Supreme Court File No.

**20220351**

Ransom County File No.

**37-2022-CV-00051**

**MOTION REQUESTING  
EXTENSION OF TIME TO FILE  
PETITION FOR REHEARING**

[¶1] COMES NOW, the Appellant, Byron Loran Whetsel, by and through his attorney, Benjamin C. Pulkrabek, hereby requests an extension of time to file a Petition for Rehearing pursuant to N.D.R.App.P. § 26(b).

[¶2] Notice regarding the Appellant's right to submit a petition for rehearing was mailed to Mr. Whetsel on March 22, 2023. The undersigned received Mr. Whetsel's request to submit a petition for rehearing via mail April 13, 2023. Considering the deadline to submit the petition is April 14, 2023, this does not provide Appellant's counsel with sufficient time to prepare and submit the petition.

[¶3] Thus, the Appellant respectfully requests an extension until Friday, April 21, 2023, to submit the Petition for Rehearing.

DATED this 14<sup>th</sup> day of April, 2023.

/s/ Benjamin C. Pulkrabek

Benjamin C. Pulkrabek

ND Bar No. 02908

1102 Second Ave. NW

Mandan, ND 58554

(701) 663-1929

[pulkrabek@counsellor.com](mailto:pulkrabek@counsellor.com)

Attorney for Appellant, Byron Loren Whetsel

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**CERTIFICATE OF SERVICE**

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[¶1] I hereby certify that on April 14, 2023, the following document:

**MOTION REQUESTING EXTENTION OF TIME TO FILE PETITION FOR  
REHEARING**

was filed electronically with the Supreme Court through the E-Filing Portal and served upon:

**Fallon Matthew Kelly – [fkelly@drtel.net](mailto:fkelly@drtel.net)**

Dated this 14<sup>th</sup> day of April, 2023.

/s/ Benjamin C. Pulkrabek  
Benjamin C. Pulkrabek  
ND Bar No. 02908  
1102 Second Ave. NW  
Mandan, ND 58554  
(701) 663-1929  
[pulkrabek@counselor.com](mailto:pulkrabek@counselor.com)  
Attorney for Appellant, Byron Loren Whetsel