Filing # 16429843 Electronically Filed 07/28/2014 04:27:38 PM

RECEIVED, 7/28/2014 16:28:42, John A. Tomasino, Clerk, Supreme Court

IN THE SUPREME COURT OF FLORIDA

CASE NO. SC11-1446

ANA MARIA CARDONA,

Appellant/Cross-Appellee,

vs.

THE STATE OF FLORIDA,

Appellee\Cross-Appellant.
_____/

UNOPPOSED MOTION FOR EXTENSION OF TIME TO FILE AMENDED BRIEF

Appellee/Cross-Appellant, THE STATE OF FLORIDA ("State"), hereby moves this Court to extend the time for the filing of the State's Amended Answer/Cross-Initial Brief for a period of 10 days. As grounds, therefore, the State states:

1. Appellant's initial brief was originally due to be served by September 6, 2012. After taking six extensions of time, Appellant filed her initial brief and a motion to accept the brief as timely filed on January 27, 2014.

2. On April 4, 2014, less than a week before the State's Answer/Cross-Initial Brief was due to be served, Appellant filed a motion for leave to file an amended brief, claiming that she had realized that there were additional issues she wanted to

raise and identified those issues as concerning whether the sentencing order relied on facts not in evidence.[1]

3. On April 8, 2014, this Court granted the motion for leave to file an amended brief and ordered that the brief be filed within 30 days. It also ordered that the State's amended brief be filed within 15 days of the filing of Appellant's amended brief.

4. At approximately 10:30 p.m. on May 8, 2014, Appellant moved this Court for a seven day extension of time to file his amended brief. On May 21, 2014, this Court entered order granting the motion and requiring that the brief be filed by May 28, 2014. The order specifically stated that no further extensions would be granted.

5. Despite this order, Appellant filed another motion for extension of time on June 3, 2014, requesting an additional 15 days to file her amended initial brief in light of *Hall v. Florida*, 134 S. Ct. 1986 (2014). On June 17, 2014, this Court granted that motion and ordered that Appellant's amended brief be filed by July 2, 2014. Again, the order specifically stated that no further extension would be granted.

[1] In *Braddy v. State*, Florida Supreme Court Case No. SC07-2174, Appellant's counsel also filed an initial brief after taking numerous extension and then filed a motion for leave to file an amended brief just before the State's brief was due.

6. Again, despite the order, Appellant did not file her initial brief until July 14, 2014. By that time, the State had another answer/cross-initial brief that was due to be filed in a case with an even more extensive record that this case with the 15 days this Court allotted for the filing of the State's amended brief in this case, as well as obligations in the numerous other capital cases assigned to undersigned counsel.

7. As such, it is not possible for undersigned counsel to file the State's amended brief by its July 29, 2014 due date. The State, therefore, respectfully requests that this Court extend the time for the filing of the State's amended brief for a period of 10 days.

8. This motion is made in good faith and not for the purpose of delay.

9. Undersigned counsel conferred with Andrew Stanton, Counsel for Appellant, regarding the relief requested herein and is authorized to state that he has no objection.

WHEREFORE, the State respectfully requests that extend the time for the filing of the State's Amended Answer/Initial Brief for a period of 10 days.

Respectfully submitted,

PAMELA JO BONDI
Attorney General
Tallahassee, Florida

\s\Sandra S. Jaggard
SANDRA S. JAGGARD
Assistant Attorney General
Florida Bar No. 0012068
Office of the Attorney General
Rivergate Plaza -- Suite 650
444 Brickell Avenue
Miami, Florida 33131
PH. (305) 377 5441
FAX (305) 377 5655

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing was furnished by email to Andrew Stanton, Assistant Public Defender, appellatedefender@pdmiami.com, 1320 NW 14th Street, Miami, Florida 33125, this 28th day of July, 2014.

\s\Sandra S. Jaggard
SANDRA S. JAGGARD
Assistant Attorney General