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SUPREME COURT OF FLORIDA

JAVARUS LAMONT MORGAN,
Petitioner,

CASE NO. SC14-0757

vs.

L.T. NOS. 3D12-1848
01-21587

THE STATE OF FLORIDA,
Respondent.
_____/

UNOPPOSED
RESPONDENT'S MOTION FOR EXTENSION OF TIME TO FILE RESPONSE RE: ORDER TO SHOW CAUSE

Respondent, THE STATE OF FLORIDA, by and through undersigned counsel, pursuant to Fla. R. App. P. 9.300(a), without objection by Petitioner, respectfully moves for an extension of thirty (30) days to file a response to the Court's January 20, 2017 order.

The Court ordered Respondent to file a response on or before February 6 to show cause why the Third District's decision below should not be quashed and the case remanded for reconsideration in light of the recent decisions in *Walton v. State*, 2016 WL 7013855 (Fla. Dec. 1, 2016) and *Williams v. State*, 186 So. 3d 989 (Fla. 2016).

Almost three years ago, the Third District rendered its decision in *Morgan v. State*, 137 So. 3d 1075 (Fla. 3d DCA 2014). On April 17, 2014, Petitioner filed a Notice to Invoke Discretionary Review, pursuant to Fla. R. App. P. 9.120, and filed a brief in support of jurisdiction shortly after. On

May 13, the Court ordered the proceedings stayed pending the outcome of *Walton*. The proceedings remained stayed until the Court's January 20, 2017 order.

Counsel for Respondent requests additional time to review the briefs and the record below. Significantly, counsel did not represent Respondent in the proceedings before the Third District and therefore is not familiar with the issues presented in the case.

Counsel also has been unable to complete the response by the deadline because of obligations before other courts in the past weeks. For example, on January 26, counsel filed a response in *Miami Herald Media Co., et al. v. In re: State v. Arbelo, et al.*, Case No. 3D17-0079 (Fla. 3d DCA), a case involving an expedited petition to review an order excluding press access to proceedings and documents. On January 30, counsel filed an oversized 74-page Answer Brief in *Beckman v. State*, Case No. 3D15-0304 (Fla. 3d DCA), an appeal of a first degree murder conviction. Counsel also has obligations in the next few weeks which further justify the request for a 30-day extension. For example, on February 9, counsel has an Answer Brief due in *Phelps v. State*, Case No. 3D15-0121 (Fla. 3d DCA), another appeal of a first degree murder conviction, with no further extensions permitted. On February 12, counsel also has a response to a federal habeas petition in *Wilson v. Fla. Dep't*

Corrs., Case No. 16-24758-CV-MGC (S.D. Fla.).

This request for additional time is made in good faith and not for unnecessary delay. Pursuant to Fla. R. App. P. 9.300(a), counsel for Respondent consulted with counsel for Petitioner, Maria Lauredo, Esq., who kindly informed that she does not object to this request for an extension.

As such, Respondent respectfully requests that the Court extend the time for Respondent to file a response by thirty (30) days, or on or before **March 8, 2017**.

Respectfully submitted,

PAMELA JO BONDI
ATTORNEY GENERAL

/s/Jonathan Tanoos
JONATHAN TANOOS, FBN 88851
Assistant Attorney General

CERTIFICATE OF CONFERENCE

Pursuant to Fla. R. App. P. 9.300(a), I HEREBY CERTIFY that, on February 6, 2017, I consulted with counsel for Petitioner, Maria Lauredo, Esq., who authorized me to represent that she does not object to this motion.

CERTIFICATE OF SERVICE

I FURTHER CERTIFY that the foregoing document – *Respondent's Unopposed Motion for Extension of Time to File Response re: Order to Show Cause* – has been delivered to Maria Lauredo, Esq., Office of the Public Defender, at mlauredo@pdmiami.com and appellatedefender@pdmiami.com by **e-mail** on **February 6, 2017**.

/s/Jonathan Tanoos

JONATHAN TANOOS, FBN 88851
Assistant Attorney General
Office of the Attorney General
1 SE 3rd Ave., Ste. 900
Miami, FL 33131
(305) 377-5441 (phone)
(305) 377-5655 (fax)
P: CrimAppMia@myfloridalegal.com
S: Jonathan.Tanoos@myfloridalegal.com