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**IN THE SUPREME COURT OF FLORIDA**
**CASE NO. SC18-245**

**STATE OF FLORIDA,**
Appellant/Cross-Appellee,

v.

**MARK ANTHONY POOLE,**
Appellee/Cross-Appellant.

**APPELLEE/CROSS-APPELLANT'S UNOPPOSED MOTION FOR EXTENSION OF TIME AND MOTION TO TOLL TIME**

COMES NOW the Appellee/Cross-Appellant, Mark Anthony Poole, by and through the undersigned counsel, and requests this Court grant Appellee/Cross-Appellant an additional thirty (30) days from the due date within which to file his answer/cross-initial brief and as grounds therefore, states the following:

**THIS COURT'S DECISION**

1. Appellee/Cross-Appellant's answer/cross-initial brief is due to be filed October 22, 2018.

2. Undersigned counsel received the Appellant/Cross-Appellee's forty-nine (49) page brief on August 13, 2018. Due to the following circumstances, counsel requests an additional thirty (30) days from the due date to file the brief:

A. Attorney Greg Brown, the attorney on the team who did the lion's share of the work in this postconviction death penalty case, including drafting the 3.851 Motion and questioning all of the

witnesses at the evidentiary hearing in this matter, recently left the Office of the CCRC-M and took new employment.

B. Attorney James Driscoll, the attorney who had planned to take lead on this case following Greg Brown's departure, underwent emergency surgery on August 6, 2018. He was recently released from the hospital, and will be out of the office for an unknown period of time on extended medical leave/rehabilitation.

C. Undersigned counsel is left with a number of very active cases that require considerable work and attention to provide the representation necessary in capital cases, including but not limited to the following:

i. Counsel currently has 4 separate certiorari petitions due in the United States Supreme Court in less than 50 days: 1) Petitioner Duane Eugene Owen Case No. SC18-382 (due September 24, 2018); 2) Petitioner Ray Lamar Johnston Case No. SC17-1678 (due October 1, 2018); 3) Petitioner Perry Alexander Taylor Case No. SC17-1501 (due October 3, 2018); 4) Petitioner Scott Mansfield Case No. SC17-690 (due October 3, 2018). Remarkably, both Taylor and Mansfield became final on the same day: Friday July 5, 2018; therefore counsel currently has two certiorari petitions due on the same day: October 3, 2018.

D. As a result of the forgoing, counsel respectfully requests a 30-day extension of time [from the current October 22, 2018 due date] to file the answer/cross-initial brief.

E. Undersigned counsel has contacted Assistant Attorney General Scott Browne who stated that he has no objection to the requested extension. The instant motion is made in good faith and not for purposes of delay.

F. Additionally, undersigned counsel requests that the Court toll the time for filing the brief pending disposition of the instant motion for extension.

WHEREFORE, based on the foregoing, Appellee/Cross-Appellant respectfully requests this Honorable Court grant the instant request for an extension of time of thirty days up to and including November 21, 2018, to file the answer/cross-initial brief in this case and toll the time for filing pending disposition of this motion.

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that on August 17, 2018, a true copy of the foregoing has been furnished through the portal, which will serve a copy on Scott Browne, Assistant Attorney General.

S/DAVID DIXON HENDRY
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