

SUPREME COURT OF FLORIDA

DONALD JAMES SMITH,

Appellant,

CASE NO.: SC18-0822

v.

STATE OF FLORIDA,

Appellee.

\_\_\_\_\_ /

**APPELLANT'S UNOPPOSED**  
**MOTION FOR EXTENSION OF TIME**

Appellant, DONALD JAMES SMITH, by and through his undersigned counsel, respectfully moves this Court for a sixty (60) day extension of time to file his initial brief in this matter. In support, Appellant asserts as follows:

1. This is undersigned counsel's first request for extension of time to file Appellant's initial brief.
2. Despite diligent efforts, undersigned counsel has been unable to finalize Appellant's initial brief.
3. Undersigned counsel is a reservist in the U.S. Air Force Judge Advocate General's (JAG) Corps.
4. Currently, undersigned counsel is concluding six months of active duty orders at Joint Base McGuire-Dix-Lakehurst, NJ at the 87th Air Base Wing legal office.
5. These orders began on August 27, 2018, before undersigned counsel

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was appointed to represent Appellant in this matter, and will conclude on February 28, 2019.

6. Additional time is being requested because, while undersigned counsel is authorized to perform his civilian work in the early mornings, evenings and weekends, the responsibilities at the active duty office over the last several months have prohibited undersigned from thoroughly reviewing the voluminous record and finalizing the initial brief in this matter.

7. Undersigned counsel recognizes this Court's admonishment that extensions of time will only be granted for medical emergencies.

8. Undersigned counsel cannot represent that a medical emergency is the basis for the requested extension.

9. However, due to the conclusion of these active duty orders, undersigned counsel can represent in good faith that he will be able to finalize Appellant's initial brief within the requested timeframe.

10. Undersigned counsel has conferred with opposing counsel regarding this motion.

11. Opposing counsel has no objection to the requested extension and does not intend to file a response.

12. This motion is made in good faith and not for purposes of delay.

WHEREFORE, Appellant, DONALD JAMES SMITH, by and through undersigned counsel, requests this Court grant a sixty (60) day extension of time in which to file his initial brief.

Respectfully submitted,

/s/Rocco J. Carbone, III

ROCCO J. CARBONE, III

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FLORIDA BAR No.: 0095544

*COUNSEL FOR APPELLANT*

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that a true and correct copy of the foregoing has been furnished, via electronic mail, on this 27<sup>th</sup> day of February 2019 to Assistant Attorney General Charmaine Millsaps at [charmaine.millsaps@myfloridalegal.com](mailto:charmaine.millsaps@myfloridalegal.com).

Respectfully submitted,

/s/Rocco J. Carbone, III  
ROCCO J. CARBONE, III