

SUPREME COURT OF FLORIDA

DONALD JAMES SMITH,

Appellant,

CASE NO.: SC18-0822

v.

STATE OF FLORIDA,

Appellee.

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

Appellant, DONALD JAMES SMITH, by and through his undersigned counsel, respectfully moves this Court for an additional seven (7) day extension of time to file his initial brief in this matter. In support, Appellant states the following:

1. This is undersigned counsel's third 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. This Court previously granted Appellant's second motion for extension of time, in part.

4. Undersigned counsel requested an additional thirty (30) days to file Appellant's initial brief, and this Court granted Appellant's motion in part, providing until May 20, 2019.

5. Undersigned counsel has made diligent efforts to complete Appellant's

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initial brief by this deadline.

6. However, among other professional obligations, undersigned counsel has been detailed as a Recorder on a sexual assault discharge board starting on May 21, 2019, and continuing through the week, at the 87 Air Base Wing, Joint Base McGuire-Dix-Lakehurst, New Jersey.

7. Despite efforts to complete this brief by the deadline, the undersigned has been attempting to simultaneously prepare for this board and finalize the Appellant's initial brief.

8. Undersigned counsel previously conferred with opposing counsel regarding his second motion for extension of time.

9. Opposing counsel had no objection to the second motion requesting a thirty (30) day extension, and informed undersigned counsel she did not intend to file a response.

10. The current request for an additional seven (7) days falls within the prior unopposed thirty (30) day request to opposing counsel.

11. 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 seven (7) day extension of time in which to file his initial brief.

Respectfully submitted,

/s/Rocco J. Carbone, III

ROCCO J. CARBONE, III

LAW OFFICES OF ROCCO J. CARBONE, III, PLLC

135 JENKINS STREET 105B #110

ST. AUGUSTINE, FL 32086

TELEPHONE: (904) 599-3238

EMAIL: [Rocco@carboneappeals.com](mailto:Rocco@carboneappeals.com)

SECONDARY EMAIL: [Rocco@rjc3law.com](mailto:Rocco@rjc3law.com)

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 20<sup>th</sup> day of May 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