

IN THE SUPREME COURT OF FLORIDA

DONALD JAMES SMITH,

Appellant,

CASE NO.: SC18-0822

v.

STATE OF FLORIDA,

Appellee.

_____ /

APPELLANT'S FOURTH
MOTION FOR EXTENSION OF TIME

Appellant, DONALD JAMES SMITH, by and through his undersigned counsel, respectfully moves this Court for an extension of time until May 31, 2019, to file his initial brief in this matter. In support, Appellant states the following:

1. This is undersigned counsel's fourth request for extension of time to file Appellant's initial brief.

2. Undersigned counsel has finalized Appellant's initial brief by this Court's deadline of May 28, 2019.

3. However, undersigned counsel is requesting a short extension of time to ensure the opportunity to confer with Appellant prior to finalizing his initial brief.

4. Because Appellant is currently incarcerated on death row, undersigned counsel had to schedule an agreeable date and time with the Florida Department of Corrections to speak with Appellant.

5. In attempting to confer with Appellant prior to filing his brief, the

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earliest date available for undersigned counsel to communicate telephonically with Appellant is May 30, 2019.

6. Undersigned is requesting this short extension of time to ensure that he adequately communicates with Appellant prior to filing his initial brief.

7. Undersigned counsel conferred with opposing counsel regarding this motion for extension of time.

8. Opposing counsel has no position on Appellant's motion for extension of time.

9. 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 an extension of time in which to file his initial brief until May 31, 2019.

Respectfully submitted,

/s/Rocco J. Carbone, III

ROCCO J. CARBONE, III

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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 28th day of May 2019 to Assistant Attorney General Charmaine Millsaps at charmaine.millsaps@myfloridalegal.com.

Respectfully submitted,

/s/Rocco J. Carbone, III

ROCCO J. CARBONE, III