

IN THE SUPREME COURT OF FLORIDA

DONALD JAMES SMITH,

Appellant,

Case No.: SC18-822

L.T. No.: 16-2013-CF-005781

v.

STATE OF FLORIDA,

DEATH PENALTY—DIRECT APPEAL

Appellee.

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**APPELLANT'S MOTION TO EXTEND TIME TO FILE INITIAL
BRIEF**

COMES NOW the Appellant, DONALD JAMES SMITH, by and through the undersigned attorney, and pursuant to Florida Rules of Criminal Procedure 9.300, files this Motion to Extend Time to File Initial Brief by thirty (30) days after the supplement to the record is received and in support thereof, would state as follows:

1. That this is a direct appeal from a death penalty sentence;
2. That the undersigned was appointed to represent the Appellant on August 20, 2019;
3. That the Initial Brief is presently due to this Court by January 28, 2020;
4. That on January 23, 2020, the undersigned filed an Unopposed Motion to Supplement the Record;
5. That opposing counsel, Charmaine Millsaps, did not object to the Motion to Supplement the Record;
6. That the Clerk of the Supreme Court directed the undersigned to file an Amended Unopposed Motion to Supplement the record with all attachments, which was filed January 27, 2020. The amended motion has been docketed;

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7. That in order to ensure a complete briefing by both the Appellant and the Appellee, the completed Record on Appeal is necessary;
8. That if the Court denies the Motion to Supplement the Record on Appeal, the undersigned would ask that they are given a ten (10) day extension from the time the order denying the motion is filed;
9. That counsel certifies this motion is made in good faith and not for the purpose of delay, but to afford Appellant the opportunity to ensure the Record on Appeal is complete and that he is able to discuss this case with his attorney prior to filing his Initial Brief.

WHEREFORE, Appellant respectfully requests this Court grant this Motion and extend the time within which to file the Initial Brief by a period of thirty (30) days after the supplemental record is received.

Respectfully submitted,

/s/ H. Kate Bedell, Esq.

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ATTORNEY FOR APPELLANT

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true copy of the foregoing has been furnished to the Office of the Attorney General via e-mail on this 27th day of January, 2020.

/s/ H. Kate Bedell, Esq.

H. KATE BEDELL, ESQUIRE

Attorney for Appellant