

*In the Supreme Court of Florida*

**DONALD JAMES SMITH,**

*Appellee,*

v.

CASE NO.: SC18-822  
CAPITAL CASE

STATE OF FLORIDA,

*Appellant.*

\_\_\_\_\_/

FIRST MOTION FOR EXTENSION OF TIME TO FILE ANSWER BRIEF

The State moves for a first extension of time to file its answer brief. The State's answer brief is currently due on Wednesday, May 6, 2020. The State seeks a 30-day extension of time, until Friday, June 5, 2020, to file the answer brief.

Undersigned counsel recently filed a 50-page answer brief in another capital case which was a no-extension case. *Dillbeck v. State*, SC20-178 (answer brief filed April 22, 2020) (order of this Court, dated March 4, 2020, stating: "Motions for extension of time will be granted only due to a medical emergency"). Undersigned counsel is currently working at the office but with reduced hours and with no support staff due to the current COVID-19 situation.

Opposing counsel, H. Kate Bedell, has been personally contacted and has no objection to the extension of time.

Accordingly, the motion for extension of time to file the State's answer brief should be granted.

RECEIVED, 05/06/2020 02:16:30 PM, Clerk, Supreme Court

Respectfully submitted,

ASHLEY MOODY  
ATTORNEY GENERAL OF FLORIDA

/s/ Charmaine Millsaps  
CHARMAINE M. MILLSAPS  
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COUNSEL FOR THE STATE

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing FIRST MOTION FOR EXTENSION OF TIME TO FILE ANSWER BRIEF has been furnished via e-portal to H. KATE BEDELL of Bedell & Kuritz and Associates, 200 East Forsyth Street, Jacksonville, FL 32202; Phone: (904) 355-1999; email: kate@kuritzlaw.com and RICHARD R. KURITZ of Bedell & Kuritz and Associates, 200 East Forsyth Street, Jacksonville, FL 32202; Phone: (904) 355-1999; email: contact@kuritzlaw.com this 6th day of May, 2020.

/s/ Charmaine Millsaps  
Charmaine M. Millsaps  
Attorney for the State of Florida