

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 UNOPPOSED MOTION TO EXTEND TIME TO  
FILE REPLY 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 Reply Brief 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 was filed in this case on February 26, 2020;
4. That the State filed their Answer Brief on July 12, 2020;
5. That since the filing of the Answer Brief, the undersigned was in close contact with someone who had the COVID-19 virus and was quarantined for the recommended fourteen (14) day period while awaiting test results, which has caused delays;
6. That the undersigned is asking for an extension of thirty (30) days in which to file the Reply Brief;

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7. That opposing counsel, Charmaine Millsaps, does not object to this request for an extension;
8. That counsel certifies this motion is made in good faith and not for the purpose of delay.

**WHEREFORE,** Appellant respectfully requests this Court grant this Motion and extend the time within which to file the Reply Brief by a period of thirty (30) days.

Respectfully submitted,

/s/ H. Kate Bedell, Esq.

H. KATE BEDELL, ESQUIRE

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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 4<sup>th</sup> day of August, 2020.

/s/ H. Kate Bedell, Esq.

H. KATE BEDELL, ESQUIRE

Attorney for Appellant