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IN THE SUPREME COURT OF FLORIDA

TERRY SMITH,
Appellant,

v. FSC NO.: SC19-680

STATE OF FLORIDA,
Appellee.

**MOTION FOR EXTENSION OF TIME FOR FILING REPLY BRIEF ON PETITION FOR HABEAS CORPUS**

RECEIVED, 07/10/2019 03:19:34 PM, Clerk, Supreme Court

Comes now the Appellant, Terry Smith, a death-sentenced defendant, by and through his undersigned attorney, pursuant to Rule 9.300(a), Fla. R. App. P., and respectfully moves this Honorable Court for an extension of time for filing the reply brief in his petition for habeas corpus, and as grounds, states:

1. On October 19, 2018, undersigned counsel file a Notice of Appeal of the circuit court's denial of Appellant's initial Rule 3.851 Motion for Post-Conviction Relief.

2. On November 4, 2018, the Clerk filed the briefing schedule.

3. On April 25, 2019, undersigned counsel filed Appellant's Petition for Writ of Habeas Corpus contemporaneously with his initial brief on the circuit court's denial of his initial Rule 3.851, Fla. R. Crim. P., Motion for Postconviction Relief in SC18-1763.

4. The State filed its Response to the Writ today, and under the briefing schedule set by this Court, Appellant's reply brief will be due on August 19, 2019.

5. Undersigned counsel is representing Gary Bowles, for whom Governor DeSantis signed a death warrant on June 11, 2019. Mr. Bowles's execution is scheduled for August 22, 2019. Mr. Bowles's initial brief appealing the circuit court's summary denial of his successive Rule 3.851 motion raising an intellectual disability claim is due on July 26, 2019 and his reply brief is due on August 6, 2019. Undersigned counsel may have to file for relief in federal court at the

conclusion of proceedings for Mr. Bowles in this Court and needs an extension of time in Appellant's case to properly represent Appellant in the instant case.

6. Undersigned counsel is requesting an additional forty-five days from the date the reply brief is due on August 19, 2019, which would make the reply brief due on October 3, 2019, if this Court granted this motion.

7. Undersigned counsel certifies that she has conferred with opposing counsel, Assistant Attorney General Lisa Hopkins, and certifies that she has no opposition to the request for a 45-day extension.

8. Undersigned counsel certifies that this motion is filed in good faith and not for the purpose of unnecessary delay.

9. Undersigned counsel requests a forty-five day extension to file the reply brief in this cause.

WHEREFORE undersigned counsel respectfully moves this court for a forty-five day extension of time to file the reply brief.

CERTIFICATE OF COUNSEL

I HEREBY CERTIFY that a true and correct copy of the foregoing has been furnished by electronic service to Lisa Hopkins, Assistant Attorney General, (Lisa.hopkins@myfloridalegal.com and capapp@myfloridalegal.com) and by U.S. Mail to Terry Smith, 130985, Union Correctional Institute, P. O. Box 1000, Raiford, FL 32026; on this date, July 10, 2019.

Respectfully submitted,

ROBERT S. FRIEDMAN
Capital Collateral Regional Counsel – North

*/s/ Karin L. Moore*
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