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IN THE SUPREME COURT OF FLORIDA

JASON ANDREW SIMPSON,

Petitioner,

v. CASE NO.: SC19-700

MARK S. INCH,
SECRETARY, DEPARTMENT OF CORRECTIONS

Respondent.
_____/

RESPONDENT'S UNOPPOSED EXTENSION OF TIME TO FILE THE RESPONSE BRIEF

Respondent respectfully requests that this Court grant a 60-day extension of time to file the Response Brief in this case, making the due date Friday, September 6, 2019. Undersigned counsel is counsel on the case that currently has a pending death warrant. Undersigned counsel consulted with John Mills, Esq., attorney for Petitioner, who indicates that he does not oppose. Facts in support of this request for extension are as follows:

This is the habeas petition accompanying a post-conviction appeal of the denial of Appellant's Motion under Fla. R. Crim. P. 3.851. The post-conviction record on appeal consists of almost 20,000 pages, including testimony from a twelve-day evidentiary hearing.

In the post-conviction appeal, case no. SC18-1238, this Court issued a scheduling order which required Appellant/Petitioner to file the Initial Brief by February 7,

2019. Due to extensions by the Appellant/Petitioner, including to supplement the record on appeal and for medical reasons, the Initial Brief was filed on May 8, 2019, which was 90 days after the original due date. The Petitioner filed his State Habeas Petition on May 8, 2019. This Court ordered Respondent to file a response by July 8, 2019, which is also the due date for the Answer Brief for the post-conviction appeal.

Currently, undersigned counsel is representing the State in death warrant proceedings on *Bowles v. State*, Nos. SC89261 & SC96732. Due to the short timeframe and extensive litigation on the warrant, Respondent needs the additional time in this case in order to adequately address the issues raised in the Petition. The execution is set for Thursday, August 22, 2019, at 6:00 p.m. The current schedule for the warrant in the circuit court is as follows: Defendant's 3.851 Motion is due July 1, 2019, the State's Response is due July 3, 2019, the *Huff* hearing is scheduled for July 8, 2019, a tentative evidentiary hearing is scheduled for July 9, 10, and 11, 2019, and the court order is due July 17, 2019. In this Court, the current schedule is as follows: Defendant's Initial Brief is due July 26, the Answer Brief is due August 2, 2019, the Reply Brief is due August 6, 2019. After litigation is completed in this Court, federal litigation in the federal district court, Eleventh Circuit, and United States Supreme Court is expected.

WHEREFORE, Respondent respectfully requests that this Court extend the deadline for the Response Brief by 60-days, a due date of Friday, September 6, 2019.

ASHELY MOODY
ATTORNEY GENERAL

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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing Respondent's Unopposed Extension of Time to File the Response Brief has been furnished via the eportal to Sonya Rudenstine, Esq., John Mills, Esq., Courtney Brewer, Esq., Thomas Hall, Esq., and Jonathan Martin, Esq., Attorneys for Petitioner, this 26th day of June, 2019.

/s/ Jennifer A. Donahue
JENNIFER A. DONAHUE