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IN THE SUPREME COURT OF FLORIDA

JASON ANDREW SIMPSON,

Petitioner,

v.

Case No. SC19-700
L.T. No. 62002CF011026AXXXMA

MARK S. INCH,
SECRETARY, DEPARTMENT OF
CORRECTIONS,

Respondent.

_____/

PETITIONER'S UNOPPOSED MOTION
FOR EXTENSION OF TIME TO SERVE REPLY

Pursuant to Florida Rule of Appellate Procedure 9.300, Petitioner Jason Andrew Simpson respectfully requests that the Court extend the time to serve his reply to the State's response to his petition for writ of habeas corpus by thirty days, up to and including Monday, November 18, 2019, and states:

1. This is a habeas proceeding alleging ineffective assistance of appellate counsel in this capital case where Petitioner has received two capital sentences. The combined record on appeal is almost 20,000 pages in length. The issues raised in the habeas petition overlap with the issues presented in Simpson's concurrent appeal in Case No. SC18-1238 from the trial court's order denying his motion for postconviction relief following a 12-day evidentiary hearing. The trial court's order is over 170 pages long in 12 point font. Simpson's initial brief is 250 pages and challenges the denial of 24 substantive claims. The State's answer brief is 99 pages

and not only addresses the 24 claims raised by Simpson but raises a new claim (in a footnote) challenging that part of the trial court's order vacating Simpson's sentence. While a draft of substantial portions of the reply in this proceeding have been completed, the nature of the overlap between the claim in this proceeding and the appeal are such that one proceeding cannot be effectively or efficiently briefed without the other. In other words, it will not be until the reply brief is completed in the appeal before the reply in this proceeding can be finalized.

2. Aside from the additional time needed due to the complexity and size of the record and issues raised in these proceedings and an oral argument scheduled for October 24, 2019 in *R.J. Reynolds Tobacco Co. v. Quackenbush*, No. 5D18-1993, personal circumstances revolving around the care of one of counsel's children during a recent life-threatening medical emergency and hospitalization necessitate counsel seek this extension. Those circumstances have largely resolved in a positive manner, and the need to request any further extensions is not anticipated.

3. Undersigned counsel has conferred with Jennifer Donahue, counsel for Respondent, and confirmed that the State has no objection to this request.

WHEREFORE**,** Petitioner respectfully requests that this Court extend the deadline for serving his reply by thirty days, up to and including November 18, 2019.

Respectfully submitted,

THE MILLS FIRM

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CERTIFICATE OF SERVICE

I HEREBY certify that a copy hereof has been furnished by email to Jennifer A. Donahue, Assistant Attorney General, The Capitol PL-01, Tallahassee, Florida 32399, at Jennifer.donahue@myfloridalegal.com on October 16, 2019.

/s/John S. Mills
Attorney