

IN THE SUPREME COURT OF FLORIDA

STATE OF FLORIDA,)	No. SC20-1419
<i>Petitioner,</i>)	
)	DCA No. 5D19-590
v.)	
)	
JOHNATHAN DAVID GARCIA,)	
<i>Respondent.</i>)	
_____)	

UNOPPOSED MOTION FOR EXTENSION OF TIME TO FILE INITIAL BRIEF

Petitioner, the State of Florida, hereby moves for a 14-day extension of time to file the Initial Brief in this matter. See Fla. R. App. P. 9.300(a). The grounds for that request are as follows.

1. The Initial Brief is currently due to be filed on February 26, 2021. This Court previously granted the State’s unopposed request for a 60-day extension of time.

2. An extension of time is necessary for several reasons. To begin with, this matter presents multiple complex issues over which courts nationwide have divided. *Compare, e.g., State v. Andrews*, 234 A.3d 1254 (N.J. 2020), *with, e.g., Commonwealth v. Davis*, 220 A.3d 534 (Pa. 2019). The case law continues to evolve while briefing is

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ongoing. *See, e.g., State v. Valdez*, No. 20181015-CA, 2021 WL 504969 (Utah Feb. 11, 2021).

3. The constitutional issues presented here are also critically important. The Fifth District's holding that a defendant can invoke the Fifth Amendment to avoid disclosure of his cellphone passcode affects law enforcement's ability to combat serious crimes. Where police have obtained a warrant to search a defendant's digital devices but those devices are encrypted, the Fifth District's decision may render it impracticable, if not impossible, to access those devices and thus to execute the warrant.

4. This motion is not filed for the purpose of undue delay, and it does not appear that either party would be prejudiced by an extension of time. Respondent is not in custody.

5. Counsel has consulted with counsel for Respondent, Assistant Public Defender Marie Taylor, who has **no objection** to this extension.

Wherefore, Petitioner respectfully requests that this Court extend the time for filing the Initial Brief by 14 days to March 12, 2021.

Dated: February 19, 2021

Respectfully submitted,

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CERTIFICATE OF SERVICE

I certify that a copy of the foregoing was furnished via the e-Filing Portal to the following on this **nineteenth** day of February 2021:

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