

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 REPLY BRIEF

Petitioner, the State of Florida, hereby moves for a 30-day extension of time to file its Reply Brief. *See Fla. R. App. P. 9.300(a).* The grounds for that request are as follows.

1. The Reply Brief is currently due to be filed on July 14, 2021.
2. An extension of time is necessary for multiple 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 ongoing. *See, e.g., Michigan v. Wright*, No. 348251, 2021 WL 2769814 (Mich. Ct. App. July 1, 2021).

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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. Finally, this brief is being handled by the Florida Solicitor General's Office, which is undergoing significant staffing turnover. An extension of 30 days would ensure that this submission meets this Court's high professional standards.

5. 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. Petitioner is not in custody.

6. Counsel has consulted with counsel for Respondent, Assistant Public Defender Robert Adams, who **does not object** to this extension.

Wherefore, Petitioner respectfully requests that this Court extend the time for filing the Reply Brief by 30 days to August 13, 2021.

Dated: July 7, 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 **seventh** day of July 2021:

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