

IN THE SUPREME COURT OF FLORIDA

STATE OF FLORIDA,

Petitioner

v.

Case No. SC20-323
Original Proceedings
Case No. 48-2012-CF-
014950/A-O

BESSMAN CHARLES OBINNA OKAFOR,

Respondent

_____ /

RESPONDENT’S MOTION FOR EXTENSION OF TIME
TO RESPOND TO ALL WRITS PETITION
AND PETITION FOR WRIT OF PROHIBITION

Respondent, Bessman Okafor, respectfully seeks an extension of time until May 4th, 2020, to respond to the State’s Petition, and for cause shows:

1. In this capital case, this Court reversed Respondent’s sentence of death and ordered resentencing based upon *Hurst v. State*, 202 So.3d 40 (Fla. 2016). *Okafor v. State*, 225 So.3d 768 (Fla. 2017). In *State v. Poole*, ___ So.3d ___ (Fla. 2020), 2020 WL 370302, this Court receded from *Hurst*.

2. On March 6, 2020, with resentencing about to begin, Petitioner asked,

via an all writs petition and a petition for writ of prohibition, that this Court “reinstate Respondent’s death sentence” or “prevent the trial court from conducting any resentencing when that resentencing is based on the void language from this Court’s unconstitutional decision in *Hurst v. State*, 202 So.3d 40 (Fla. 2016).” Petition, p. 1.

3. On April 3d, 2020, this Court directed Respondent to file a response to the State’s petition by April 20th, 2020. The Court also provided for a state reply to the response to be filed by April 30th, 2020, and scheduled oral argument on the petition for June 2nd, 2020.

4. On April 8th, 2020, undersigned counsel Olive was appointed to handle this appeal. *See* Attachment 1, hereto.

5. Counsel requests an extension of time until May 4th, 2020, to file a response, an extension of two weeks. The State has no objection to a one week extension. Respondent has no objection to moving the time for the State’s reply to late May, 2020, and counsel for the State has indicated that ten (10) days is sufficient time for a reply. The requested extension would not affect the scheduled oral argument date, absent pandemic concerns.

6. The bases for this request include: the pandemic about which this Court may take judicial notice; the importance of the issues involved; and the recent

(less than one week) appointment of appellate counsel in this case.

Wherefore, Respondent respectfully requests an extension of time until Monday, May 4th, 2020, to file a response to the State's petition, with the State receiving any extension of time to reply that the Court deems appropriate.

Respectfully submitted:

/s/ Mark Olive

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Counsel for Respondent

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing was furnished by e-service through the e-portal on April 14, 2020, to:

Marc Burham, Esq., burnham.marc@gmail.com, Attorney for Defendant, P.O. Box 1028, Orlando, Florida 32802; Doris Meacham, at doris.meacham@myfloridalegal.com; Bradley King, eservicemarion@sao5.org, 110 NW 1st Ave., Suite 5000, Ocala, Florida 34475-6614; Kenneth Nunnelley, knunnelley@sao5.org, 425 N. Orange Ave., Suite 63, Orlando, Florida 32801-1515; Honorable Julie H. O’Kane, ctjujo1@ocnjcc.org, 425 N. Orange Ave., Orlando, Florida 32801-1515 this 14th day of April 2020

/s/Mark Olive

CERTIFICATE OF FONT

I hereby certify that a true and correct copy of the foregoing Motion was generated in Times New Roman 14 point font, pursuant to Fla. R. App. 9.210.

/s/ Mark Olive