

IN THE SUPREME COURT OF FLORIDA

GARRETT STATLER,  
*Appellant,*

v.

HENRY P. SIRECI,  
*Appellee.*

No. SC21-119

L.T. No. 1D19-264

**STATE'S UNOPPOSED MOTION FOR EXTENSION  
OF TIME TO FILE ANSWER BRIEF**

Respondent, the State of Florida, moves this Court for a 45-day extension of time for filing the answer brief in this matter. See Fla. R. App. P. 9.300(a). The grounds for that request are as follows.

1. On September 9, 2021, this Court accepted jurisdiction, and Petitioner filed his initial brief on the merits on November 12. The State's answer brief is currently due December 13.

2. This case presents the question whether Florida's sexual battery statute, Section 794.011(5)(b), requires that the defendant know of the victim's nonconsent.

3. Counsel is responsible for a heavy caseload in appellate courts in both the state and federal systems, as well as various supervisory duties in the Office of the Solicitor General.

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4. As a result, counsel will be unable to research, draft, and finalize the initial brief by the current deadline.

5. The State has consulted with counsel for Petitioner, Assistant Public Defender Glen Gifford, who has **no objection** to the requested extension.

*Wherefore*, the State requests that this Court extend the time for filing the answer brief by 45 days until January 27, 2022.

Dated: December 7, 2021

Respectfully submitted,

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## **CERTIFICATE OF SERVICE**

I certify that a copy of the foregoing was served via the e-Filing Portal to the following on this **seventh** day of December 2021:

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