

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
WESTERN DIVISION**

JEFFREY HAVARD,

Petitioner

versus

NO. 5:08-cv-275-KS

**CHRISTOPHER B. EPPS, Commissioner,
Mississippi Department of Corrections
and JIM HOOD, Attorney General, State
of Mississippi**

Respondents

**RESPONDENT'S SECOND MOTION FOR EXTENSION OF TIME TO
FILE MEMORANDUM OF LAW IN OPPOSITION TO PETITION
FOR WRIT OF HABEAS CORPUS**

COME NOW the respondents, by and through counsel, and file this motion for additional time, fifteen (15) days, within which to file the memorandum answer to the memorandum of law in support of petition for writ of habeas corpus in the above styled and numbered cause. As grounds therefore, respondents would show unto the Court the following:

I.

Petitioner filed his petition for writ of habeas corpus with this Court on April 10, 2009, and then filed his memorandum in support on July 31, 2009. The respondent's answer to the petition and the memorandum are now due to be filed on October 29, 2009.

II.

Counsel of record for the respondents has and has had other commitments and conflicts both in state and federal courts since the filing of this petition that have prevented the completion of the answer in this case. Counsel for respondents has been working diligently to file the answer in this cause and others. Commitments currently being met by respondent counsel include:

travel to Tunica, MS October 21-23, 2009, for required CLE training; due with the Mississippi Supreme Court is a response to a Petition for Post-Conviction Relief due October 29, 2009, in the case of *Chamberlin v. State*, 2008-DR-01690-SCT; a response to a Motion for Post-Conviction Relief in the case of *Wilson v. State*, No. CV08-074(G)L, in the Circuit Court of Lee County, Mississippi; although a date has not yet been set, respondent counsel has been informed that an evidentiary hearing will be held in the case of *Hodges v. Epps*, 1:07-cv-66-MPM, within a short time, review and preparation are underway as the memorandum and exhibits in this case exceeded seven-hundred pages and several witnesses have left the state and have not yet been located; also without a firm date set at the time of this motion are two direct appeal oral arguments before the Mississippi Supreme Court that are being reviewed and prepared for in the cases of *Gillett v. State*, No. 2008-DP-00181-SCT, and *Pitchford v. State*, No. 2006-DP-00441-SCT.

III.

Counsel for respondents has communicated with counsel of petitioner and there is no

opposition to the request for the fifteen day extension of time by the respondent. There has been one previous request for time filed by the respondent in this case.

IV.

For the above and foregoing reasons stated herein, counsel for respondents would respectfully request that he be granted an additional fifteen (15) days, up to and including November 13, 2009, within which to file the supporting memorandum in opposition to the petition for writ of habeas corpus .

Respectfully submitted,

JIM HOOD
ATTORNEY GENERAL
STATE OF MISSISSIPPI

PAT McNAMARA
SPECIAL ASSISTANT ATTORNEY GENERAL
Miss. Bar No. 99838
(*Counsel of Record*)

BY: S/ **PAT McNAMARA**

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CERTIFICATE OF SERVICE

This is to certify that I, Pat McNamara, Special Assistant Attorney General for the State of Mississippi, have electronically filed the foregoing, Respondent's Second Motion For Extension of Time To File Memorandum of Law In Opposition to Petition For Writ of Habeas Corpus, with the Clerk of the Court using the ECF system which sent notification of such filing to the following:

Mark D. Jicka, Esquire
Graham P. Carner, Esquire
WATKINS & EAGER PLLC
P.O. Box 650
Jackson, MS 39205

This, the 21st day of October, 2009.

s/ **PAT McNAMARA**