

**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*

**MOTION FOR EXTENSION OF TIME**

The Respondents, Christopher B. Epps, Commissioner, Mississippi Department of Corrections and Jim Hood, Attorney General, State of Mississippi (the “State”), move this Court for an enlargement of time pursuant to F.R.A.P. 26(b). The State seeks an additional thirty (30) days in which to file a response to Havard’s Motion for Leave to Amend Petition for Writ of Habeas Corpus. Petitioner’s Motion for Leave was filed on April 12, 2011, and the response is due today, May 12, 2011. In support of this Motion, the State would show to the Court:

1. The undersigned has been in this division since February, and is still familiarizing herself with the twelve death penalty cases on which she is lead counsel, which has taken additional time in order to properly research and respond to filings and deadlines.
2. Counsel assisted from April 15 through April 19, 2011, in the research in preparation of the matter of *Mississippi Educating For Smart Justice, Inc., et*

*al. v. Mississippi Department of Corrections*, Civil Action No. 251-11-335CIV, in the Circuit Court of Hinds County, First Judicial District. This matter represented a last-minute challenge to the death penalty protocol and was filed on behalf of Benny Joe Stevens<sup>1</sup>, Rodney Gray<sup>2</sup>, and Robert Simon.<sup>3</sup> Counsel also attended the hearing on April 20, 2011.

3. Counsel attended the evidentiary hearing in *Manning v. State*, 929 So.2d 885 (Miss. 2006) (Mississippi Supreme Court No. 2001-DR-00230-SCT), on April 26, 2011, in Oktibbeha County Circuit Court, Starkville, Mississippi.
4. Counsel filed the State's response for Post-Conviction Relief as to sentencing on April 27, 2011, in *Wilson v. State*, No. 2009-DR-01565-SCT.
5. Counsel attended the State's prosecutors' conference on the Mississippi gulf coast on April 27 through the 29, 2011, which training and continuing legal education required being away from the office.
6. Counsel is preparing and finalizing a response to the Petition seeking a Writ of Mandamus and/or other Extraordinary Relief in *Wilson v. State*, No. 2009-DR-01565-SCT. The response is due on May 18, 2011.

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<sup>1</sup>Benny Joe Stevens was executed on Tuesday, May 10, 2011, by Order of the Mississippi Supreme Court, handed down on April 20, 2011.

<sup>2</sup>Rodney Gray is scheduled to be executed on May 17, 2011, by Order of the Mississippi Supreme Court, handed down on April 20, 2011.

<sup>3</sup>Robert Simon, Jr. is scheduled to be executed on May 24, 2011, by En Banc Order of the Mississippi Supreme Court, handed down on May 5, 2011.

7. Counsel is preparing a response to Havard's Motion for Relief from Judgment or for Leave to File Successive Petition for Post-conviction Relief in the matter of *Jeffrey Havard v. State of Mississippi*, 2006-DP-01161-SCT, which was filed on April 12, 2011. The response is due today, May 12, 2011, and counsel has today filed a motion for enlargement of time.
8. Counsel was present to assist with any responses to filings or any other matters with regard to the execution of Benny Joe Stevens, which took place on Tuesday, May 10, 2011.
9. Counsel must be available to assist in the preparation of any response to filings or any other matter with regard to the remaining two executions currently scheduled for May 17, 2011, and May 24, 2011, under warrants that have been issued by the Mississippi Supreme Court as detailed in the footnotes *supra*.
10. In addition, counsel was out of town from May 4 through the morning of May 10 to attend her wedding in Colorado. Counsel returned on the afternoon of May 10, and was present at the Attorney General's office to assist with any responses to filings or any other matters that might have arisen in connection with the execution of Benny Joe Stevens.

For the reasons stated, the State is respectfully seeking an extension of thirty (30) days in which to file its response with this Court. This is the first extension requested by the

State and is not requested on the basis of any bad motive, as a dilatory tactic, or for any other improper purpose, and, further, will not prejudice the Petitioner.

WHEREFORE, PREMISES CONSIDERED, the State of Mississippi respectfully requests that this Court grant it an extension of an additional thirty days (30) in which to file its Response to Havard's Motion For Leave to Amend Petition for Writ of Habeas Corpus, thus making the response due on Monday, June 13, 2011.

Respectfully submitted,

**JIM HOOD**  
**ATTORNEY GENERAL**  
STATE OF MISSISSIPPI

**MARVIN L. WHITE, JR.**  
**ASSISTANT ATTORNEY GENERAL**  
*Counsel of Record*

**LISA COLONIAS McGOVERN**  
**SPECIAL ASSISTANT ATTORNEY GENERAL**  
MSB NO. 102929  
*Lead Counsel*

BY:  /s/ *Lisa Colonias McGovern*

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**CERTIFICATE OF SERVICE**

This is to certify that I, Lisa Colonias McGovern, Special Assistant Attorney General for the State of Mississippi, have electronically forwarded the foregoing Motion for Enlargement of Time with the Clerk of the Court using the ECF system which sent notification of such filing to the following:

Graham P. Carner, Esq.  
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This, the 12th day of May, 2011.

/s/ *Lisa Colonias McGovern*