

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

JEFFREY HAVARD,

Petitioner

versus

CIVIL ACTION NO.: 5:08cv275-KS

CHRISTOPHER EPPS, et al.

Respondents

**MOTION FOR ENLARGEMENT OF TIME WITHIN WHICH TO
FILE RESPONSE IN OPPOSITION TO MOTION TO STAY AND
ABATE PENDING STATE COURT SUCCESSIVE PETITION**

COME NOW the Respondents, Christopher Epps, *et al.*, by and through counsel, and file this motion for enlargement of time within which to file this response in opposition to the motion to stay or abate pending state court successive petition filed in the above styled and numbered cause.

I.

Respondents respectfully request that the time to file their response be extended to and until January 6, 2014. The response is presently due on December 6, 2013.

II.

Recently, Counsel was reassigned to the Death Penalty Section within the Criminal Litigation Division of the Mississippi Attorney General's Office. Counsel's initial exposure to this matter came on November 26, 2013. Counsel has diligently reviewed the present motion as well as the successive post-conviction relief petition ("Exhibit A") attached thereto. Counsel has also reviewed prior motions, pleadings and decisions in an effort to become familiar with the background of Petitioner's case in light of this motion.

The record in this case is quite voluminous and additional time is needed so that Counsel may thoroughly review it. Additionally, Counsel is preparing for a hearing in the case of *Smith v. State*, No. 1999-DR-01394-SCT. The hearing will occur in the Circuit Court of Washington County, Mississippi. The hearing requires Counsel's attention and attendance on the 4th and 5th days of December, 2013. Finally, Counsel requests additional time so that Petitioner's MOTION TO STAY AND ABATE PENDING STATE COURT SUCCESSIVE PETITION may be addressed, dispositively.

III.

Wherefore, PREMISES CONSIDERED, the Respondents respectfully request the Court grant the extension of time to file a response in this matter. This request is not being made for undue delay.

Respectfully submitted,

JIM HOOD
ATTORNEY GENERAL
STATE OF MISSISSIPPI

by: s/ Brad A. Smith

BRAD A. SMITH
SPECIAL ASSISTANT ATTORNEY GENERAL
Miss. Bar No. 104321

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CERTIFICATE OF SERVICE

This is to certify that I, Brad A. Smith, Special Assistant Attorney General for the State of Mississippi, have electronically filed, this MOTION FOR ENLARGEMENT OF TIME WITHIN WHICH TO FILE RESPONSE IN OPPOSITION TO MOTION TO STAY OR ABATE to the following:

The Honorable Mark D. Jicka
Watkins & Eager, PLLC
P.O. Box 650
Jackson, MS 39205

This, the 4th day of December, 2013.

Respectfully submitted,

by: s/ Brad A. Smith

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GOOD FAITH CERTIFICATE

This is to certify that I, Brad A. Smith, have conferred with opposing counsel in a good faith attempt to resolve this matter without this Court's intervention. To that end, all counsel have conferred, in good faith, to resolve the State's request for additional time within which to respond to Petitioner's MOTION TO STAY AND ABATE PENDING STATE COURT SUCCESSIVE PETITION. I, Brad A. Smith, do further certify that:

- 1. The present motion is unopposed by all parties.
- 2. The present motion is unopposed by: _____.
- 3. The present motion is opposed by: _____.

Respectfully submitted,

by: s/ Brad A. Smith

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