

**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*

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

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**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 February 5, 2014. The response is presently due on January 6, 2014.

**II.**

Counsel has and continues to diligently review the voluminous record, prior motions, pleadings, decisions and other data pertinent to Petitioner's companion Motion for Relief from Judgment or Leave to File Successive Petition for Post-Conviction Relief filed in the Mississippi State Supreme Court. The amount of material is substantial and additional time is necessary in preparing an adequate response to Petitioner's Motion to Stay and Abate Pending State Court Successive Petition filed with this Court.

In addition, Counsel prepared for and attended the *Atkins* hearing in the case of *Scott v. State*, No. 2004-DR-01290-SCT on December 17, 18 and 19 of 2013. On December 19, 2013, the Circuit Court of Bolivar County entered an order continuing the *Scott* hearing to resume January 10, 2014. Counsel is preparing for and will attend the *Scott* hearing on January 9 and 10, 2014.

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

**OFFICE OF THE ATTORNEY GENERAL**  
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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 6th day of January, 2014.

Respectfully submitted,

by: s/ Brad A. Smith

**BRAD A. SMITH**  
SPECIAL ASSISTANT ATTORNEY GENERAL  
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**GOOD FAITH CERTIFICATE**

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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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