

**IN THE SUPREME COURT OF FLORIDA**

**SC07-2138**

**MARK DEAN SCHWAB**

**Appellant,**

**Capital Case, Warrant Signed**

**v.**

**STATE OF FLORIDA,**

**Appellee.**

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**MOTION FOR EXTENSION OF TIME TO FILE INITIAL BRIEF**

**COMES NOW** the appellant, by and through the undersigned counsel, and moves for a two day extension of time to file the initial brief:

1. In its order of November 16, 2007 the Court directed that the initial brief on Schwab's appeal of the lower court's summary denial of a successive motion for postconviction relief predicated on a two claims of newly discovered evidence be filed on or before November 26, 2007, which is the Monday following the Thanksgiving Day holiday.
2. The record on appeal was transmitted Wednesday, November 21, 2007.
3. The attorney who is writing the brief is ill.
4. Pursuant to Fla. R. App. P. 9.200(a) the undersigned certifies that he

has contacted Kenneth Nunnelley, Assistant Attorney General, who states that he opposes this motion.

5. No one will be prejudiced by granting this motion. Schwab's execution has been stayed pending the filing of a petition for certiorari, which is due in a little over two months from now.

WHEREFORE, the undersigned moves for a two day extension of time to file the initial brief

### **CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that a true copy of the foregoing Motion for extension of time to file the initial brief has been furnished by e-mail and U.S. Mail, first class postage, to all counsel of record on this 26th day of November, 2007.

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