



KEN PAXTON
ATTORNEY GENERAL OF TEXAS

September 13, 2018

By Electronic Filing and Overnight Delivery

Scott Harris, Clerk of the Court
Supreme Court of the United States
Office of the Clerk
1 First Street, N.E.
Washington, D.C. 20543

Re: *Stephen Dale Barbee v. Davis*, No. 18-5289

Dear Mr. Harris,

A response in this death-penalty case is currently due on September 19, 2018, after this Court granted Respondent's first extension request. Respondent now respectfully requests a second thirty-day extension of the present deadline, up to and including Friday, October 19, 2018. The extension is not sought for an improper purpose, including harassment or unnecessary delay. Rather, the attorney drafting Respondent's brief requires additional time to review the facts and legal issues in this case due to the demands of a capital caseload. In this regard, among other responsibilities, Respondent's drafting attorney filed an answer to a federal habeas petition on September 6, 2018, in the death-penalty case *Robinson v. Director*, No. 17-CA-101 (W.D. Tex.). In addition, Respondent's drafting attorney has devoted time to preparing for a federal evidentiary hearing that is scheduled to begin on October 9, 2018, in the death-penalty case *Green v. Director*, No. 4:13-CV-1899 (S.D. Tex.), and state court DNA proceedings in *State v. Irvan*, No. 0864928 (180th Dist. Ct., Harris County, Tex.). Respondent's drafting attorney conferred with Petitioner's counsel, A. Richard Ellis, who stated that he is not opposed to the requested extension. A copy of this letter will be sent to opposing counsel. Thank you for your consideration.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Matthew Ottoway", with a long horizontal flourish extending to the right.

MATTHEW OTTOWAY
Assistant Attorney General

CC: A. Richard Ellis
75 Magee Avenue
Mill Valley, CA 94941
TEL: (415) 389-6771
a.r.ellis@att.net