



STATE OF WISCONSIN
DEPARTMENT OF JUSTICE

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May 5, 2020

Mr. Scott S. Harris
Clerk of the Supreme Court of the United States
1 First Street, NE
Washington, DC 20543-0001

Re: *Robert James Pope, Jr. v. Wisconsin*
No. 19-7939

Dear Mr. Harris:

I am an Assistant Attorney General for the Wisconsin Department of Justice and am responsible for preparing the response ordered by this Court on April 8, 2020, to the petition for a writ of certiorari filed by Mr. Pope. I respectfully ask this Court, pursuant to Rule 30.4, to extend the due date for the State of Wisconsin to file its response by 30 days. The response is currently due on May 8, 2020. If granted, the extension would move the due date to June 7, 2020.

Other deadlines have made it most difficult for me to complete the final draft of the response, subject as it will be to administrative review and editing, by the May 8 due date. These include: a response brief in a federal habeas corpus action filed in the Eastern District of Wisconsin on April 8, 2020, on one extension, in *White v. Foster*, 19-CV-1050; a response brief in a federal habeas corpus action filed in the Western District of Wisconsin on April 15, 2020, on one extension, in *Jeninga v. Richardson*, 19-CV-771 and 772; a reply brief in support of a motion to dismiss in a federal habeas corpus action filed in the Eastern District of Wisconsin on April 20, 2020, in *Carter v. Richardson*, 19-CV-0949; a response brief filed in the Wisconsin Court of Appeals on April 22, 2020, on one extension, in *State v. Gehde*, 2019AP1765-CR; and a response to a motion for reconsideration ordered by the Seventh Circuit Court of Appeals that is due on May 13, 2020, on one extension, in *Subdiaz-Osorio v. Humphreys*, 18-1061.

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I also have five response briefs due in the Wisconsin Court of Appeals, all on blanket judicial extensions due to the COVID-19 crisis, between May 26 and June 3, 2020. They are: *State v. Mungon*, 2019AP2076-CR; *State v. Hughes*, 2020AP344-CR; *State v. Kwiatkowski*, 2019AP1938-CR and 1939-CR; *State v. Lloyd*, 2020AP58-CR; and *State v. Huber*, 2019AP2123. I am in the process of working on all of them now so as to avoid a logjam in late May and early June. Finally, I also have response briefs due in two federal habeas actions in the Eastern District of Wisconsin: May 20, 2020, in *Lothar v. Avila*, 19-CV-981, on one extension; and May 26, 2020, in *Robbins v. Foster*, 19-CV-1733; as well as a response to a federal habeas corpus petition due in the Eastern District of Wisconsin on June 5, 2020, in *Wold v. Radtke*, 15-CV-1040.

In closing, I do not believe that it is possible for me and my support staff to timely prepare the Brief in Opposition in the time remaining on the Court's original deadline given our current obligations and expected further delays caused by COVID-19.

I have been authorized by counsel for Mr. Pope, Assistant State Public Defender Andrea Taylor Cornwall, to state that she does not object to this extension request.

Therefore, I respectfully request that this Court extend the deadline for the State of Wisconsin to file its response to the certiorari petition to June 7, 2020.

Thank you for your consideration.

Sincerely,

s/ Daniel J. O'Brien
DANIEL J. O'BRIEN
Assistant Attorney General

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c: Andrea Taylor Cornwall
Counsel for Petitioner