

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF INDIANA
TERRE HAUTE DIVISION

LAWRENCE NUNLEY,
Petitioner,

v.

RICHARD BROWN, Warden,
Wabash Valley Correctional Facility,
Respondent.

No. 2:19-cv-00012-JRS-DLP

**MOTION FOR EXTENSION OF TIME
TO FILE RETURN TO ORDER TO SHOW CAUSE**

Respondent respectfully requests that this Court grant him an extension of time of 30 days, up to and including April 17, 2019, within which to file his Return to the Order to Show Cause.

1. Petitioner seeks a writ of habeas corpus for his confinement for his 2009 Harrison County, Indiana, convictions for child molesting and dissemination of matter harmful to a minor. He is serving a sentence of 71 years and nine months.

2. On January 14, 2019, this Court ordered Respondent to respond to the merits of Petitioner's petition by March 18, 2019.

3. This is Respondent's counsel's first request for an extension of time in this case.

4. Extraordinary circumstances will make it extremely difficult for Respondent's counsel to file his return by March 18, 2019.

5. Respondent's counsel is presenting an oral argument on March 19, 2019, in *Jones v. State*, No. 18A-CR-01320 (Ind. Ct. App.). This is counsel's third

oral argument in six weeks, which is an unusually high frequency for arguments, which require significant preparation. Counsel presented oral arguments in *Johnson v. State*, No. 18A-CR-01735 (Ind. Ct. App.), on March 5, 2019, and *Abd v. State*, No. 18A-CR-00780 (Ind. Ct. App.), on February 19, 2019.

6. Respondent's counsel additionally had and has the following obligations in the weeks before and during the week that his return is currently due:

- Return to Order to Show Cause, *Sturgis v. Neal*, No. 3:18-cv-00972 (N.D. Ind.) (filed March 11) (merits)
- Return to Order to Show Cause, *Daniels v. Brown*, No. 2:19-cv-00018 (S.D. Ind.) (due March 15) (merits)
- Brief of Appellee, *Stam v. State*, No. 18A-CR-02873 (Ind. Ct. App.) (due March 20)
- Response to Petition to Transfer, *Govan v. State*, No. 18A-CR-00708 (Ind.) (due March 20)

7. Respondent's counsel is also a supervisor responsible for reviewing the briefs of three attorneys.

8. Respondent's counsel notes that the Criminal Appeals Division of the Office of the Indiana Attorney General responds to conviction habeas petitions. The division, which is fully staffed at 24 attorneys, currently has 19 attorneys. One recent departure, Kelly A. Loy, carried a heavy habeas corpus caseload.

9. Respondent's counsel requests an additional 30 days, up to and including April 17, 2019, within which to file his response.

CONCLUSION

Respondent requests that this Court grant him an extension of time of an additional 30 days within which to file a Return to the Order to Show Cause.

Respectfully submitted,

CURTIS T. HILL, JR.
Attorney General of Indiana

/s/ Jesse R. Drum
Jesse R. Drum
Supervising Deputy Attorney General

Attorneys for Respondent

CERTIFICATE OF SERVICE

I certify that on March 11, 2019, the foregoing document was served upon the following person by first-class U.S. Mail, postage prepaid:

Lawrence Nunley
198710
Wabash Valley Correctional Facility
6908 S. Old US Highway 41
P.O. Box 1111
Carlisle, Indiana 47838

/s/ Jesse R. Drum
Jesse R. Drum
Deputy Attorney General

OFFICE OF THE ATTORNEY GENERAL
Indiana Government Center South
302 West Washington Street, Fifth Floor
Indianapolis, Indiana 46204
317-234-7018 (telephone)
Jesse.Drum@atg.in.gov