

**IN THE CIRCUIT COURT OF THE 17TH JUDICIAL CIRCUIT
IN AND FOR BROWARD COUNTY, FLORIDA**

PK

STATE OF FLORIDA,

Plaintiff

Case No: 98-5739CF10A

V.

ERNESTO BRHRENS,

Defendant.

**DEFENDANT'S MOTION FOR LEAVE TO FILE-WITHIN 60 DAYS
FROM THE DAY OF THIS MOTION, A REPLY TO THE STATE'S
RESPONSE FILED ON AUGUST 31, 2020**

COMES NOW, the Defendant, Ernesto Behrens, *pro se*, and respectfully moves this Honorable Court pursuant to the applicable Florida Rules of Criminal Procedure for Leave to file a Reply to the State's Response filed on August 31, 2020. The Defendant in support thereof, shows as follows:

1. On or about April 11, 2019, the Defendant filed his "Second Amended Motion For Postconviction Relief," referencing the above-styled Lower Tribunal Case Number.

2. After the State's multiple Motions for "Extensions Of Time." On August 31, 2020, the State finally filed its Response to the Defendant's Motion.

3. Due to the currently complicated schedule at the Institution's law library--as a result of the ongoing Coronavirus. The Defendant needs pre-approval from this Institution to do the necessary legal research in preparation to filing his Reply to the State's Response.

4. Thus, the Defendant respectfully requests additional time to Reply to the State's Response. The State's Response is complicated and the records voluminous.

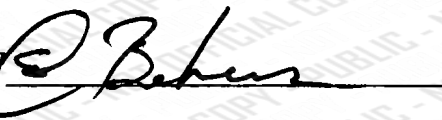
5. On the other hand, the Defendant is currently litigating at the Fourth District Court of Appeal's level a Petition for Writ of Mandamus, requesting for his appointed Judge, the Honorable Andrew L. Siegel, to be replaced by a different circuit judge. See Case Number: 4D20-1851.

6. Thus, in abundance of caution, and without knowing if appointed, Judge Siegel has proper jurisdiction to entertain the State's Response and/or the instant Motion for Leave to file a Reply. The Defendant respectfully files this timely Motion for Leave to Reply within the Clerk of Court but directs it to this Chief Judge's chamber and thus invokes his inherent temporary Jurisdiction over this case.

7. This Motion is made in good faith and not for the purposes of unnecessary delay.

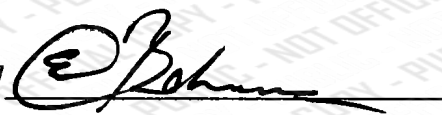
WHEREFORE, the Defendant prays this Honorable Court issues an order allowing the Defendant to file a Reply to the State's Response within sixty (60) days from the day of this Motion.

Respectfully Submitted,

[S] 
Ernesto Behrens, pro se


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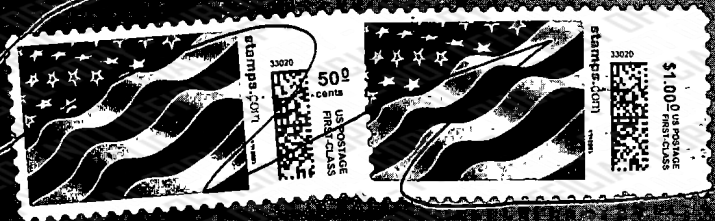
UNDER PENALTIES OF PERJURY and administrative sanctions from the Department of Corrections, including forfeiture of gain time if this Motion is found to be frivolous or made in bad faith. I certify that I understand the contents of the foregoing Motion, that the facts contained in the Motion are true and correct, and that I have a reasonable belief that the Motion is timely filed. I certify that this Motion does not duplicate previous motions that have been disposed of by the court. I certify that I understand English and have read the forgoing Motion or had the Motion read to me. I further certify that this Motion and its statements are made in good faith.

[S] 
Ernesto Behrens, DC# 732564

CERTIFICATE OF SERVICE

I HEREBY CERTIFY, that a true and correct copy of the foregoing Motion was mailed via U.S. first class mail to: State Attorney's Office, Michael J. Satz, Postconviction Unit, 201 S.E. Sixth Street. Fort Lauderdale, Florida 33301 and to the Honorable Chief Judge Jack Tuter at Broward County Main Courthouse, 201 S.E. Sixth Street. Fort Lauderdale, Florida 33301. On this 8 day of September, 2020.

[S] 
Ernesto Behrens, DC# 732564
Martin Correctional Institution
1150 S.W. Allapattah Road
Indiantown, Florida 34956



Behrens, Ernesto #732564
Martin Correctional Institution
1150 SW Allapattah Rd
Indian Hamm FL 34956

Broward County Clerk of Court
201 SE 6th Street
Fort Lauderdale, Florida 33301