

IN THE CIRCUIT COURT OF CRITTENDEN COUNTY, ARKANSAS  
SECOND JUDICIAL DISTRICT  
CRIMINAL DIVISION

STATE OF ARKANSAS at \_\_\_\_\_ NO. PLAINIFF  
VS. OCT 15 1993 CR-93-516A  
CR-93-517A  
CR-93-518A  
JESSIE LLOYD MISSKELLEY, JR. LAVADA NORRIS, CLERK DEFENDANT

DEFENDANT'S MOTION FOR EXTENSION  
OF TIME TO FILE MOTIONS

COMES now the Defendant, Jessie Lloyd Misskelley, Jr., by and through his Court appointed attorneys, Stidham and Crow, and for his Motion for Extension of Time to File Motions, states:

1. The Court has previously entered an oral order placing a cutoff of September 27, 1993 for Defendant to file all motions except motions in limine, whereafter the Defendant would be precluded from the filing of additional motions.

2. At the time of the entry of said motion deadline Order, this Court orally ordered the state to complete its response to Defendants motion for discovery on or before August 31, 1993.

3. On September 27, 1993, the Court extended the motion deadline to October 7, 1993 for all motions, and imposed a deadline of October 27, 1993 for all motions to be filed pursuant to A.C.A. 5-2-302. The Court further stated that if

the defendant failed to file a motion pursuant to A.C.A. 5-2-302 on, or before, October 27, 1993, the right to file said motion would be waived by the defendant. It is the understanding of this defendant, that the motion deadline has now been extended to October 15, 1993 for all motions except as provided above.

4. As of October 11, 1993, Defendant was still receiving additional discovery information from the State.

5. Additionally, the state is in possession of several additional items of discovery which has been requested as of October 11, 1993. If the prosecution does not agree to provide this information, then it will be necessary to file a formal motion requesting same.

6. Due to the mass of material the Defendant is still reviewing, and considering new information is still forthcoming as of the Motion deadlines, Defendant requests that this Court extend the Motion cutoff until an appropriate time.

7. Under the Arkansas and United States Constitutions the Defendant is guaranteed a fair trial. A motion deadline which does not give the defense adequate time to review the states evidence, conduct it's own investigation, and properly research and formulate a defense would be violative of that right.

8. Certain motions, such as those connected with A.C.A 5-2-302, as well as other appropriate motions can only be filed when the Defendant has completed his investigation and after certain motions and additional requests for discovery now pending before the Court have been ruled upon.

9. Certain motions, such as to suppress evidence, are allowed under Arkansas law to be made up until the time of trial or even after the trial has commenced.

10. Defendant requests that the Court should extend his time to file appropriate motions that are by there nature cognizable at a later stage of the proceedings or that are allowed, by law, to be filed at a later stage of the proceedings.

WHEREFORE, Defendant prays for an extension of the Motion Deadline previously imposed by this Court until an appropriate time; for an extension to file certain motions that are by there nature cognizable at a later stage of the proceedings or that are allowed, by law, to be filed at a later stage of the proceedings; and for all other just and proper relief that which the Defendant may be entitled.

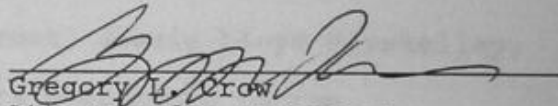
STIDHAM AND CROW  
ATTORNEYS AT LAW

By: 

Gregory L. Crow  
Bar No.: 90040  
203 N. Second Street  
Paragould, AR 72450  
(501) 236-7600

CERTIFICATE OF SERVICE

I, Gregory L. Crow, Attorney for Defendant herein, do hereby certify that I have served a copy of the foregoing document on John N. Fogleman, Deputy for Crittenden County, Arkansas, 108 Dover Road, P.O. Box 1666, West Memphis, Arkansas 72303, and all other attorneys of record, by placing same in the U.S. Mail on this 12 day of October, 1993, with sufficient postage attached to ensure delivery.

  
Gregory L. Crow  
Attorney for Defendant