

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF ALABAMA
SOUTHERN DIVISION

DAVID WILSON,)	
)	
Petitioner,)	
)	
v.)	Case No. 1:19-CV-284-WKW-CSC
)	
JEFFERSON S. DUNN, Commissioner,)	DEATH PENALTY CASE
)	
Respondent.)	

**MOTION FOR EXTENSION OF TIME, ACCOMMODATIONS, AND
CLARIFICATION**

Petitioner David Wilson, through undersigned counsel, respectfully requests an extension of time to comply with this Court’s Order dated April 4, 2023 (Doc. # 71). In support of his request for additional time, Petitioner states the following:

1. This is a capital § 2254 habeas corpus case before this Court challenging Petitioner David Wilson’s capital murder conviction and sentence of death.

2. In its Order dated April 4, 2023 (Doc. # 71), this Court generously afforded undersigned counsel seven days to respond to Respondent’s pleading (due April 13, 2023) to show cause as to why the full Kittie Corley letter, including both sides of the sheet of paper on which it is written, should not be produced.

3. It is very difficult for undersigned counsel to turn pleadings around in seven days.

4. Using Federal Express overnight service, it usually takes about 4 to 5 days for undersigned counsel to get Respondent's pleadings and any draft responsive pleadings to Petitioner. This is due to the delays in getting packages into Holman Prison and then delivered to Mr. Wilson on death row. Mr. Wilson then needs a day or two to read the pleadings, before calling undersigned counsel with comments and feedback.

5. The process of physically getting draft pleadings to Mr. Wilson is cumbersome because of the inevitable delays that take place with the delivery of packages to incarcerated persons, especially provided the screening processes in a maximum security prison with a death row, even when undersigned counsel uses FedEx.

6. Petitioner David Wilson insists upon reviewing all pleadings filed by undersigned counsel before they are filed with the Court. Mr. Wilson has Asperger's Syndrome. *See* Doc. 1 (Habeas Corpus Petition), at p. 190 (Dr. Robert D. Shaffer, Ph.D., a licensed clinical psychologist retained by previous post-conviction counsel, determined following an examination of Mr. Wilson and interviews with Mr. Wilson's relatives, that Mr. Wilson suffers from Asperger's Syndrome, a constituent of autism spectrum disorder); *see also* Fed. Rec. Vol. 30, PDF p. 57-58 (Affidavit

of Dr. Theresa Harden, Ph.D., the Exceptional Student Education (ESE) Resource Consultant for Santa Rosa County Schools while David Wilson was at Berryhill Elementary School); *see generally* Doc. 1 at pp. 189-195. Consistent with features of Asperger's Syndrome, Mr. Wilson is very attentive to detail and fixates on every word of the pleadings. Mr. Wilson is highly concerned about reviewing pleadings before they are filed with the Court. This was not done before by previous counsel which led to difficulties and conflict, including the substitution of counsel that ultimately led to undersigned counsel being appointed to represent Mr. Wilson in January 2020. *See* Doc. 42 at p. 4.

7. Accordingly, undersigned counsel needs about 7 days in addition to the time allowed to draft a pleading, in order to get it approved by Petitioner David Wilson before filing.

8. Undersigned counsel has communicated with counsel for Respondent, Alabama Assistant Attorney General Richard Anderson, and Mr. Anderson does not oppose Petitioner's request for an extension of time of a week with regard to this Court's Order dated April 4, 2023 (Doc. # 71).

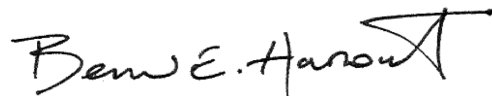
FOR THE FOREGOING REASONS, undersigned counsel respectfully requests that Petitioner be granted 14 days to reply to Respondent's response, pursuant to the Court's Order dated April 4, 2023 (Doc. 71).

FURTHERMORE, undersigned respectfully requests that, as an accommodation in the future, the Court please afford Petitioner an additional 7 days from the expected time of filing to allow for Petitioner David Wilson to review and approve of all pleadings.

MOREOVER, as a point of clarification, it is undersigned counsel's understanding that Petitioner's response to this Court's Order dated March 27, 2023 (Doc. 67), affording Petitioner 14 days to file a notice indicating whether he intends to seek leave to amend his habeas corpus petition, will begin either when Respondent produces the full Kittie Corley letter, including both sides of the sheet of paper on which it is written, or this Court rules that it does not need to be produced in full.

Dated this 10th day of April 2023.

Respectfully submitted,

A handwritten signature in black ink that reads "Bernard E. Harcourt". The signature is written in a cursive style with a long, sweeping horizontal stroke at the end.

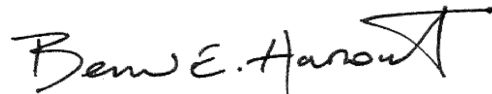
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CERTIFICATE OF SERVICE

I hereby certify that on April 10, 2023, the foregoing has been electronically filed with the Clerk of the Court, thereby sending notice to:

Richard D. Anderson, Esq.
Alabama Assistant Attorney General
Office of the Attorney General
Attn: Capital Litigation Division
501 Washington Avenue
Montgomery, AL 36130



Bernard E. Harcourt

Counsel for David Wilson