

No. A-

IN THE

Supreme Court of the United States

WILLIAM HAROLD KELLEY,

Petitioner,

v.

STATE OF FLORIDA,

Respondent.

**APPLICATION FOR A SIXTY DAY EXTENSION OF TIME
IN WHICH TO FILE PETITION FOR WRIT OF CERTIORARI
TO THE FLORIDA SUPREME COURT**

TO THE HONORABLE CLARENCE THOMAS, ASSOCIATE JUSTICE OF THE SUPREME COURT OF THE UNITED STATES AND CIRCUIT JUSTICE FOR THE ELEVENTH CIRCUIT:

Petitioner William Harold Kelley, by and through undersigned counsel, and pursuant to 28 U.S.C. § 2101(d) and Rules 13.5 of this Court, respectfully requests an extension of time of sixty days in which to file a petition for writ of certiorari to the Florida Supreme Court, to and including June 25, 2018. Kelley is a death-sentenced inmate in the custody of the State of Florida. This Court has jurisdiction to review the decision of the Florida Supreme Court under 28 U.S.C. § 1257(a).

Kelley was convicted of murder and sentenced to death in the Circuit Court of the Ninth Judicial Circuit in and for Highlands County, Florida. This case involves a petition seeking review of the January 26, 2018, decision of the Florida Supreme Court affirming a trial court's denial of Kelley's successive motion for post-conviction relief. (Exhibit A). In that motion, Kelley argued his death sentence imposed after a sentencing recommendation by a less than unanimous jury violated the Sixth and Eighth Amendments under *Hurst v. Florida*, 136 S. Ct. 616 (2016), and *Hurst v. State*, 202 So. 3d 40 (Fla. 2016).

The undersigned firm's representation of Kelley on a pro bono basis began more than 10 years ago, and during that entire time, undersigned lead counsel for Kelley has been the principal lawyer responsible for the representation. In January, undersigned counsel was injured in a bad fall, resulting in, among other things, a broken wrist, and requiring hospitalization, followed by ongoing physical therapy sessions and continued physical disability. This medical situation has hampered counsel's ability to participate in work on the petition for Kelley in addition to other tasks required to meet her professional obligations. In addition, Kelley, who is elderly and in poor health, is incarcerated at Union Correctional Institution in Raiford, Florida, and counsel will require time to review the petition with him once it is completed and prior to filing.

Kelley's time to file a petition for certiorari in this Court currently expires on April 26, 2018. For all reasons just stated, counsel will require additional time in order

to properly prepare the petition, and this application is being filed more than ten days before the current due date.

CONCLUSION

Kelley therefore respectfully requests that an order be entered extending his time to file a petition for writ of certiorari by 60 days, to and including June 26, 2018.

Respectfully submitted,



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April 9, 2018