

DOCKET NO. _____

IN THE
SUPREME COURT OF THE UNITED STATES
OCTOBER TERM, 2017

ETHERIA VERDELL JACKSON,

Petitioner,

vs.

STATE OF FLORIDA,

Respondent.

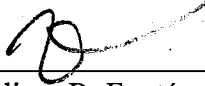
**APPLICATION FOR SIXTY (60) DAY EXTENSION OF TIME IN WHICH TO FILE
PETITION FOR WRIT OF CERTIORARI TO THE FLORIDA SUPREME COURT**

COMES NOW THE PETITIONER, ETHERIA VERDELL JACKSON, by and through undersigned counsel, and pursuant to Supreme Court Rule 13-5, and respectfully requests an extension of time of sixty (60) days within which to file his Petition for Writ of Certiorari to the Florida Supreme Court. In support of his request, Petitioner, through counsel, states as follows:

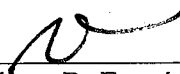
1. Petitioner is an indigent death-sentenced inmate in the custody of the State of Florida. Undersigned counsel represents Petitioner in his state collateral appeals. Undersigned counsel also was appointed to represent Mr. Jackson in the United States District Court and the United States Court of Appeals for the Eleventh Circuit pursuant to the Criminal Justice Act (18 U.S.C. § 3006A).

2. This case involves an appeal from the decision of the Florida Supreme Court denying Mr. Jackson's Successive Motion for Post-Conviction Relief pursuant to Florida Rule of Criminal Procedure 3.851.
3. This Court's jurisdiction rests on 28 U.S.C. §1257.
4. Petitioner was convicted of murder and sentenced to death in the Circuit Court of the Fourth Judicial Circuit in and for Duval County, Florida.
5. On January 24, 2018, the Florida Supreme Court denied Mr. Jackson's appeal of the denial of his successive motion for post-conviction relief. (Attachment A). A timely motion for rehearing was filed and stricken on February 27, 2018. (Attachment B). Petitioner's time to petition for certiorari in this Court expires on April 24, 2018.
6. Petitioner shows the following good cause in support of this request.
7. Petitioner's counsel, who is employed by a state agency, has had a burdensome caseload since the final disposition of Petitioner's case in the Florida Supreme Court. Within the last 90 days, counsel has, *inter alia*, conducted a public records hearing on an initial post-conviction motion and prepared supplemental briefing in the Florida Supreme Court on "non-*Hurst* issues." Further, counsel is preparing the appeal from an initial post-conviction motion and record on appeal is over 10,000 pages. Finally, undersigned counsel will not be in the country on a preplanned trip through the beginning of April. As a result of all of the above, counsel has not been able to prepare a proper petition for a writ of certiorari in Petitioner's case.

WHEREFORE, Petitioner, through his undersigned counsel, respectfully requests an extension of time of sixty (60) days within which to file the Petition for Writ of Certiorari to the Florida Supreme Court in the above-styled case.


fu Julissa R. Fontán
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Temple Terrace, FL 33637
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Lead Attorney for Petitioner*

I HEREBY CERTIFY that a true copy of the foregoing motion has been furnished to the Supreme Court of the United States via electronic service and UPS and furnished by United States Mail, first class postage prepaid, to all counsel of record on March 20, 2018.


fu Julissa R. Fontán
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Counsel of Record

Copies furnished to:

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Tallahassee, FL 32399-6536

Etheria Jackson
DOC # 072847
Union Correctional Institution
7819 N.W. 228th Street
Raiford, FL 32026-4430

EXHIBIT A

Supreme Court of Florida

No. SC17-703

ETHERIA VERDELL JACKSON,
Appellant,

vs.

STATE OF FLORIDA,
Appellee.

[January 24, 2018]

PER CURIAM.

We have for review Etheria Verdell Jackson's appeal of the circuit court's order denying Jackson's motion filed pursuant to Florida Rule of Criminal Procedure 3.851. This Court has jurisdiction. See art. V, § 3(b)(1), Fla. Const.

Jackson's motion sought relief pursuant to the United States Supreme Court's decision in Hurst v. Florida, 136 S. Ct. 616 (2016), and our decision on remand in Hurst v. State (Hurst), 202 So. 3d 40 (Fla. 2016), cert. denied, 137 S. Ct. 2161 (2017). This Court stayed Jackson's appeal pending the disposition of Hitchcock v. State, 226 So. 3d 216 (Fla. 2017), cert. denied, 138 S. Ct. 513 (2017).

After this Court decided Hitchcock, Jackson responded to this Court's order to show cause arguing why Hitchcock should not be dispositive in this case.

After reviewing Jackson's response to the order to show cause, as well as the State's arguments in reply, we conclude that Jackson is not entitled to relief. Jackson was sentenced to death following a jury's recommendation for death by a vote of seven to five. Jackson v. State, 530 So. 2d 269, 271 (Fla. 1988). His sentence of death became final in 1989. Jackson v. Florida, 488 U.S. 1050 (1989). Thus, Hurst does not apply retroactively to Jackson's sentence of death. See Hitchcock, 226 So. 3d at 217. Accordingly, we affirm the denial of Jackson's motion.

The Court having carefully considered all arguments raised by Jackson, we caution that any rehearing motion containing reargument will be stricken. It is so ordered.

LABARGA, C.J., and QUINCE, POLSTON, and LAWSON, JJ., concur.
PARIENTE, J., concurs in result with an opinion.
LEWIS and CANADY, JJ., concur in result.

PARIENTE, J., concurring in result.

I concur in result because I recognize that this Court's opinion in Hitchcock v. State, 226 So. 3d 216 (Fla. 2017), cert. denied, 138 S. Ct. 513 (2017), is now final. However, I continue to adhere to the views expressed in my dissenting opinion in Hitchcock.

An Appeal from the Circuit Court in and for Duval County,
Russell L. Healey, Judge - Case No. 161985CF012620AXXXMA

James Viggiano, Jr., Capital Collateral Regional Counsel, Maria E. DeLiberato,
Julissa Fontán, and Chelsea Ray Shirley, Assistant Capital Collateral Regional
Counsel, Middle Region, Temple Terrace, Florida,

for Appellant

Pamela Jo Bondi, Attorney General, and Charmaine M. Millsaps, Assistant
Attorney General, Tallahassee, Florida,

for Appellee

EXHIBIT B

Supreme Court of Florida

TUESDAY, FEBRUARY 27, 2018

CASE NO.: SC17-703
Lower Tribunal No(s):
161985CF012620AXXXMA

ETHERIA VERDEL JACKSON vs. STATE OF FLORIDA

Appellant(s)

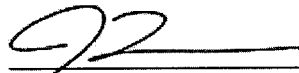
Appellee(s)

Appellant's Motion for Rehearing is hereby stricken.

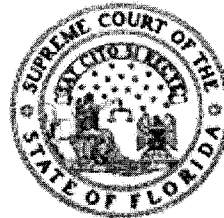
LABARGA, C.J., and PARIENTE, LEWIS, QUINCE, CANADY, POLSTON,
and LAWSON, JJ., concur.

A True Copy

Test:



John A. Tomasino
Clerk, Supreme Court



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Served:

CHELSEA RAE SHIRLEY
JULISSA FONTÁN
CHARMAINE M. MILLSAPS
MARIA E. DELIBERATO
HON. RUSSELL L. HEALEY, JUDGE
HON. RONNIE FUSSELL, CLERK
MEREDITH CHARBULA