

DOCKET No. _____

IN THE SUPREME COURT OF THE UNITED STATES

PAUL ALFRED BROWN,

Petitioner,

VS.

STATE OF FLORIDA,

Respondent.

APPLICATION FOR SIXTY (60) DAY EXTENSION OF TIME TO FILE PETITION
FOR WRIT OF CERTIORARI
TO THE SUPREME COURT OF FLORIDA ADDRESSED
TO JUSTICE CLARENCE THOMAS

PETITIONER, Paul Alfred Brown, respectfully requests an extension of time of sixty (60) days to file his Petition for Writ of Certiorari to the Supreme Court of Florida, pursuant to Supreme Court Rule 13. In support of his request, Petitioner states as follows:

1. Mr. Brown is an indigent death-sentenced inmate in the custody of the State of Florida. Mr. Brown was convicted of murder in the Circuit Court of the Thirteenth Judicial Circuit in and for Hillsborough County, Florida.

2. Undersigned counsel was appointed to represent Mr. Brown in his post-conviction proceedings in the Circuit Court of the Thirteenth Judicial Circuit of Florida and in the Supreme Court of Florida.

3. This case involves an appeal from the decision of the Supreme Court of Florida denying Mr. Brown's Motion to Vacate Judgment of Conviction and Sentence of Death Pursuant to Florida Rule of Criminal Procedure 3.851, in light of this Court's decision in *Hurst v. Florida*, 136 S. Ct.

616 (2016).

4. Mr. Brown will file a Petition for Writ of Certiorari in this Court.

5. On January 29, 2018, the Supreme Court of Florida issued an opinion denying Mr. Brown's appeal of his Motion to Vacate Judgment of Conviction and Sentence of Death Pursuant to Florida Rule of Criminal Procedure 3.851. *See Brown v. State*, 235 So. 3d 289 (Fla. 2018) (Attachment A). Calculating the time for Mr. Brown to file a Petition for Writ of Certiorari, the 90th day would fall on Sunday, April 29, 2018.

6. This Court has jurisdiction based on 28 U.S.C. § 1257.

7. Undersigned counsel is employed by the Law Office of the Capital Collateral Regional Counsel-Middle Region (CCRC-M), a State of Florida governmental agency. Undersigned counsel is uniquely qualified to draft the Petition for Certiorari based on her lengthy experience of representing Mr. Brown in Florida courts.

8. CCRC-M has experienced a loss of attorneys based on recent resignations and retirements and undersigned counsel's caseload has increased. The additional cases involve complex procedural histories and legal issues that undersigned counsel is attempting to become familiar with to provide proper representation to these new clients. Further, undersigned counsel has had a number of state and federal filings due in the interim (*William Roger Davis v. State of Florida*; *William Roger Davis v. Barry Reddish, et. al.*; *Tavares Wright v. State of Florida*; *Margaret Allen v. State of Florida*; *Richard E. Lynch v. State of Florida*; *Emilia L. Carr v. State of Florida*; *Terence Tabius Oliver v. State of Florida*; *Michael L. King v. Secy', Department of Corrections*; *Quawn M. Franklin v. Secy', Department of Corrections*.) Undersigned counsel also has a bi-furcated evidentiary hearing set for next week (*Joseph Edward Jordan v. State of Florida*).

9. In addition, undersigned counsel has been addressing the implications of this Court's

decision in *Hurst v. Florida*, 136 S. Ct. 616 (2016) and the Supreme Court of Florida's decisions that followed. Since the Supreme Court of Florida issued per curiam opinions *en masse* in early 2018 on the implications of *Hurst*, undersigned counsel is responsible for preparing petitions for certiorari in four other cases simultaneously (*Sonny Ray Jeffries v. Florida*; *Dominick A. Occhicone v. Florida*; *Quawn M. Franklin v. State of Florida*; and *Kenneth Darcell Quince v. Florida*), in addition to carrying a full post-conviction case load.

10. Mr. Brown respectfully requests an extension of sixty (60) days to file a Petition for Writ of Certiorari.

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

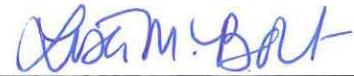
Respectfully submitted



Raheela Ahmed
Counsel of Record
Florida Bar Number 0713457
Assistant CCRC
Email: ahmed@ccmr.state.fl.us
Secondary Email: support@ccmr.state.fl.us



Maria Christine Perinetti
Florida Bar Number 0013837
Email: perinetti@ccmr.state.fl.us
Secondary Email: support@ccmr.state.fl.us



Lisa Marie Bort
Florida Bar Number 119074
Email: bort@ccmr.state.fl.us
Secondary Email: support@ccmr.state.fl.us

The Law Office of the Capital Collateral
Regional Counsel - Middle Region
12973 North Telecom Parkway,
Temple Terrace, Florida 33637
Tel: (813) 558-1600
Fax: (813) 558-1601

April 4, 2018
Dated

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ATTACHMENT A

See Brown v. State, 235 So. 3d 289 (Fla. 2018)

Supreme Court of Florida

No. SC17-1001

PAUL ALFRED BROWN,
Appellant,

vs.

STATE OF FLORIDA,
Appellee.

[January 29, 2018]

PER CURIAM.

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

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

After reviewing Brown's response to the order to show cause, as well as the State's arguments in reply, we conclude that Brown is not entitled to relief. Brown was sentenced to death following a jury's recommendation for death by a vote of seven to five. Brown v. State, 565 So. 2d 304, 308 (Fla. 1990). Brown's sentence of death became final in 1990. Brown v. Florida, 498 U.S. 992 (1990). Thus, Hurst does not apply retroactively to Brown's sentence of death. See Hitchcock, 226 So. 3d at 217. Accordingly, we affirm the denial of Brown's motion.

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

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

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 Hillsborough County,
Michelle Sisco, Judge - Case No. 291986CF004084000AHC

James Vincent Viggiano, Jr., Capital Collateral Regional Counsel, Lisa Marie Bort,
Maria Christine Perinetti, and Raheela Ahmed, Assistant Capital Collateral
Regional Counsel, Middle Region, Temple Terrace, Florida,

for Appellant

Pamela Jo Bondi, Attorney General, Tallahassee, Florida, and Stephen D. Ake,
Senior Assistant Attorney General, Tampa, Florida,

for Appellee