

No. \_\_\_\_\_

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

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RICHARD HAMILTON, APPLICANT

v.

STATE OF FLORIDA, RESPONDENT

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**APPLICATION FOR AN EXTENSION OF TIME  
TO FILE A PETITION FOR A WRIT OF CERTIORARI TO THE SUPREME  
COURT OF FLORIDA**

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DEATH PENALTY CASE

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

\*ROBERT FRIEDMAN

*Counsel of Record*

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April 17, 2018

**To the Honorable Clarence Thomas, Associate Justice of the Supreme Court of the United States and Circuit Justice for the Eleventh Circuit:**

Petitioner Richard Hamilton, a death-sentenced Florida prisoner, respectfully moves for an extension of time of 45 days to file a petition for a writ of certiorari seeking review of the Florida Supreme Court's February 8, 2018, decision in his case (Exhibit 1). This application is filed more than 10 days ahead of the certiorari filing deadline. This Court has jurisdiction to grant a writ of certiorari under 28 U.S.C. § 1257(a).

1. The Office of the Capital Collateral Regional Counsel – Northern Region (“CCRC-N”) was appointed by the trial court to represent Petitioner and will file the certiorari petition. This request for an extension of time is based on good cause. Recently, CCRC-N conducted the death-warrant litigation culminating in *Branch v. Florida*, Nos. 17-7825 & 17-7758 (petitions & stay applications denied February 22, 2018). The Branch litigation required the focus of undersigned counsel.

2. The undersigned also have an evidentiary hearing scheduled in the postconviction case of Kim Jackson in Jacksonville, Florida, the week of April 23, 2018. Evidentiary hearings take an enormous amount of investigation and preparation and the undersigned are obligated to direct all time and resources to Mr. Jackson's evidentiary hearing.

3. CCRC-N is directly representing multiple cases where, as in Petitioner's case, certiorari petitions will be filed in the coming weeks raising issues under *Hurst v. Florida*, 136 S. Ct. 616 (2017). These petitions implicate legitimate constitutional


challenges to the Florida Supreme Court's approach to *Hurst* claims. The condensed timeframe of these petitions arises from the Florida Supreme Court's summary denial of 80 *Hurst* cases on retroactivity grounds during a two-week period beginning in late January 2018. A 45-day extension of time is reasonable in Petitioner's case to allow CCRC-N to research, coordinate, and present the instant petition in a professional manner. CCRC-N is not seeking 60 days, but 45—a shorter time than the rule allows.

4. CCRC-N contacted the Florida Attorney General's Office, counsel for Respondent, regarding this motion. Respondent does not object to a 45-day extension.

Petitioner respectfully requests that the Court grant this request.

For the foregoing reasons, petitioner hereby requests that an extension of time to and including June 25, 2018, be granted within which petitioner may file a petition for a writ of certiorari.

Respectfully submitted,



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