

DOCKET NO. _____

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

JACK SLINEY,

Petitioner,

vs.

STATE OF FLORIDA,

Respondent.

UNOPPOSED 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, JACK SLINEY, 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.
2. This case involves an appeal from the decision of the Florida Supreme Court denying Mr. Sliney'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(a).
4. Petitioner was convicted of murder and sentenced to death in the Circuit Court of the Twentieth Judicial Circuit in and for Charlotte County, Florida.
5. On January 31, 2018, the Florida Supreme Court denied Mr. Sliney's appeal of the denial of his successive motion for post-conviction relief. (Attachment A). Petitioner's time to petition for certiorari in this Court expires on May 1, 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 contested public records hearing with multiple agencies on an initial post-conviction motion, and has prepared briefing and motions in the Florida Supreme Court on multiple cases on *Hurst* related issues. Further, counsel has prepared and filed numerous §1983 Complaints challenging the State of Florida's recent and substantial change to its lethal injection protocol. Undersigned counsel also just received a briefing schedule from the Florida Supreme Court on a Successive Post-Conviction Motion after an evidentiary hearing, and the Initial Brief is due on April 23, 2018. Finally, counsel is in the middle of competency evaluations on two separate clients, which involves multiple trips with experts for the evaluations, as well as extensive document collection and distribution. 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.
8. Counsel for the Respondent consents to this Motion.

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.



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ATTACHEMENT

A

Supreme Court of Florida

No. SC17-1074

JACK R. SLINEY,
Appellant,

vs.

STATE OF FLORIDA,
Appellee.

[January 31, 2018]

PER CURIAM.

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

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

After reviewing Sliney's response to the order to show cause, as well as the State's arguments in reply, we conclude that Sliney is not entitled to relief. Sliney was sentenced to death following a jury's recommendation for death by a vote of seven to five. Sliney v. State, 699 So. 2d 662, 667 (Fla. 1997). His sentence of death became final in 1998. Sliney v. Florida, 522 U.S. 1129 (1998). Thus, Hurst does not apply retroactively to Sliney's sentence of death. See Hitchcock, 226 So. 3d at 217. Accordingly, we affirm the denial of Sliney's motion.

The Court having carefully considered all arguments raised by Sliney, 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 Charlotte County,
George C. Richards, Judge - Case No. 081992CF0004510001XX

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