

**DOCKET NO. \_\_\_\_\_**

**IN THE SUPREME COURT OF THE UNITED STATES**

**OCTOBER TERM, 2017**

---

---

**BRANDY BAIN JENNINGS,  
Petitioner,**

**vs.**

**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**

---

---

**CAPITAL CASE**

---

---

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

Petitioner, BRANDY BAIN JENNINGS, by and through undersigned counsel, and pursuant to 28 U.S.C. § 2101(d) and Rules 13.5 and 30.2 of this Court, respectfully requests an extension of time of sixty (60) days to file a petition for writ of certiorari to the Florida Supreme Court, to and including June 28, 2018.

Mr. Jennings 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).

Mr. Jennings was convicted of three counts of murder and sentenced to death in the Circuit Court of the Twentieth Judicial Circuit in and for Lee County, Florida. This case involves the decision of the Florida Supreme Court entered on January 29, 2018 affirming the denial Mr. Jennings's motion for postconviction relief, including his claim that his sentences of death are unconstitutional in light of the decisions in *Hurst v. Florida*, 136 S. Ct. 616 (2016) and *Hurst v. State*, 202 So. 3d 40 (Fla. 2016). See *Jennings v. State*, 2018 WL 579800 (Fla. 2018), reh'g denied, SC17-938, 2018 WL 1081362 (Fla. Feb. 28, 2018). (Attachment A).

Mr. Jennings's time to petition for certiorari in this Court regarding the Florida Supreme Court's decision expires on April 29, 2018. This application for a sixty-day extension is being filed more than ten days before that date. Undersigned counsel shows the following good cause in support of this request.

Mr. Jennings is represented by the Office of the Capital Collateral Regional Counsel South (CCRC-South), a Florida state agency charged with the responsibility of representing indigent death row inmates. Undersigned counsel is assigned as lead counsel for Mr. Jennings and carries a full caseload of capital postconviction cases. As a result of the manner in which the Florida Supreme Court disposed of Mr. Jennings's case (and like cases with similar *Hurst*-related claims), undersigned counsel has two additional cases in a similar posture as Mr. Jennings's. Counsel is

also responsible for at least four additional cases with successive Hurst related claims which are being actively litigated in the trial courts and Florida Supreme Court. In addition, counsel is lead counsel on several other cases being litigated in the trial courts, Florida Supreme Court and federal courts at various stages of the postconviction process.

Due to undersigned counsel's caseload and the posture of his cases, counsel has not been able to prepare a proper petition for writ of certiorari in Mr. Jennings's case. If the sixty day extension of time is granted, counsel's intention is to file a petition for certiorari on or before June 28, 2018.

Undersigned counsel has contacted counsel for the State of Florida, Christina Z. Pacheco, Assistant Attorney General, who has no objection to this request for an extension of time.

Wherefore, Mr. Jennings respectfully requests that an order be entered extending his time to petition for certiorari to and including June 28, 2018.

Respectfully submitted,

---

PAUL EDWARD KALIL  
Assistant CCRC-South  
Florida Bar No. 174114  
*kalilp@ccsr.state.fl.us*  
*\*Counsel of record*  
1 East Broward Boulevard, Suite 444  
Fort Lauderdale, FL 33301  
(954) 713-1284 Tel.  
COUNSEL FOR MR. JENNINGS