

DOCKET NO. _____

IN THE SUPREME COURT OF THE UNITED STATES

OCTOBER TERM, 2017

**THOMAS OVERTON,
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, Thomas Overton, by and through undersigned counsel, and pursuant to 28 U.S.C. § 2101(d) and Rule 13-5 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.

In support of his request, Mr. Overton states as follows:

1. Mr. Overton is a death-sentenced inmate in the custody of the State of Florida. Undersigned counsel represents Mr. Overton in his State collateral appeals.
2. This case involves an appeal from the decision of the Florida Supreme Court denying Mr. Overton'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. Mr. Overton was convicted of murder and sentenced to death in the Sixteenth Judicial Circuit in and for Monroe County, Florida.
5. On February 2, 2018, the Florida Supreme Court denied Mr. Overton's appeal of the denial of his successive motion for post-conviction relief. (Attachment A).
6. Mr. Overton timely filed a petition for rehearing with the Florida Supreme Court, which was struck February 26, 2018. (Attachment B).
7. Mr. Overton's time to petition for certiorari in this Court expires on May 3, 2018. This application for a sixty (60) day extension is being filed more than ten (10) days before that date.
8. Undersigned counsel shows the following good cause in support of this request.

9. Mr. Overton's counsel is a part-time Assistant CCRC at Capital Collateral Regional Counsel-South (CCRC-South), a Florida state agency charged with the responsibility of representing indigent death row inmates. As Assistant CCRC, undersigned counsel is responsible for the oversight of her own case load at CCRC-South as well as oversight of her own independent client case load outside of the office.
10. Petitioner's counsel has had an exceptionally burdensome caseload since the final disposition of Petitioner's case at the Florida Supreme Court. Counsel represents a capital defendant whose case – which was expected to last approximately four weeks- was set for jury trial on February 19, 2018. After seven days of jury qualification, the trial court sua sponte struck the panel and ordered the parties to return on March 26, 2018 to pick a new jury. Petitioner's counsel was involved in extensive litigation regarding that case, including filing a 465-page (inclusive of exhibits) emergency petition with the state mid-level appellate court on March 15, 2018, addressing issues with the trial court and seeking to move the March 26, 2018 court date. The case is now scheduled to be tried in September.
11. Additionally, trial counsel has two direct appeal briefs due within the next week in non-capital cases, another brief due in a capital case

regarding an appeal of the denial of DNA testing, a case management conference in another capital case set for the following week, and court hearings on other cases.

12. Given undersigned counsel's extensive duties as an Assistant CCRC, as well as her other responsibilities, counsel has not been able to prepare a proper petition for writ of certiorari in Mr. Overton's case. If the sixty (60) day extension of time is granted, counsel's intention is to file a petition for certiorari on or before July 2, 2018.
13. Undersigned counsel has contacted the Office of the Attorney General who indicated that they do not oppose motions requesting thirty day extensions but do not as a matter of practice agree to extensions beyond thirty days absent extenuating circumstances.

Wherefore, Mr. Overton respectfully requests that an order be entered extending his time within which to file his petition for certiorari to and including July 2, 2018.

Respectfully submitted,

s/Marie-Louise Samuels Parmer
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