

DOCKET NO. _____

IN THE SUPREME COURT OF THE UNITED STATES

OCTOBER TERM, 2017

NORBERTO PIETRI
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 Norberto Pietri, 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 July 2, 2018. Mr. Pietri 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. Pietri was convicted of murder and sentenced to death in the Circuit Court of the Fifteenth Judicial Circuit in and for Palm Beach County, Florida. This case involves the decision of the Florida Supreme Court entered on February 2, 2018 denying Mr. Pietri's claim that his sentence of death is unconstitutional in light of the decisions in *Hurst v. Florida*, 136 S. Ct. 616 (2016) and *Hurst v. State*, 202 So. 3d 40 (2016), *cert. denied*, 137 S. Ct. 2161 (2017). *See Pietri v. State*, 236 So. 3d 235 (Fla. 2018). (Attachment A).

Neither Mr. Pietri nor Respondent filed a motion for rehearing with the Florida Supreme Court. Mr. Pietri's time to petition for certiorari in this Court regarding the Florida Supreme Court's denial of relief expires on Thursday, May 3, 2018. This application for a sixty (60) day extension is being filed ten (10) or more days before that date. Undersigned counsel shows the following good cause in support of this request.

Undersigned counsel serves as Litigation Director at the Capital Collateral Regional Counsel-South (CCRC-South). The office is responsible for litigating some fifty (50) capital cases in both state postconviction and federal habeas corpus proceedings. Counsel has numerous briefs, petitions, and motions due and pending in various other capital cases in the coming weeks.

Given undersigned counsel's extensive duties as Litigation Director, as well as his responsibilities in his own individual cases, counsel has not been able to

prepare a proper petition for writ of certiorari in Mr. Pietri's case. If the sixty (60) day extension of time is provided, counsel's intention is to file a petition for certiorari on or before July 2, 2018.

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

Respectfully submitted,

/s/ William M. Hennis III
WILLIAM M. HENNIS III
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PROOF OF SERVICE

I, William M. Hennis III, counsel for petitioner and a member of the Bar of this Court, hereby certify that a true copy of the foregoing Application has been electronically served with appropriate hard copies provided by Federal Express Delivery to the Court and furnished by United States Mail, first class postage prepaid to Assistant Attorney General Leslie T. Campbell at the Office of the Attorney General, 1515 N. Flagler Dr., Suite 900, West Palm Beach, FL 33401 on

April 18, 2018. I further certify that all parties required to be served have been served.

/s/ William M. Hennis III
WILLIAM M. HENNIS III
Florida Bar No. 0066850
Litigation Director