

DOCKET NO. _____

IN THE

SUPREME COURT OF THE UNITED STATES

OCTOBER TERM, 2017

THOMAS DEWEY POPE,
Petitioner,

vs.

STATE OF FLORIDA,
Respondent.

APPLICATION FOR SIXTY (60) DAY EXTENSION OF TIME IN WHICH TO
FILE PETITION FOR WRIT OF CERTIORARI TO THE FLORIDA SUPREME
COURT

(DEATH PENALTY CASE)

COMES NOW THE PETITIONER, THOMAS DEWEY POPE, 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 30, 2018. Mr. Pope 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).

Petitioner was convicted of murder and sentenced to death in the Circuit Court of the Seventeenth Judicial Circuit In and For Broward County, Florida. He was convicted by a jury of three counts of first-degree murder on February 25, 1982. The sentencing jury

recommended life imprisonment for the murders of Albert Doranz and Caesar DiRusso, and the death penalty for the murder of Kristine Walters. The jury recommended death by a nine (9) to three (3) vote, and the trial judge imposed a death sentence. Mr. Pope's convictions and sentences, including his sentence of death, were affirmed on direct appeal. *Pope v. State*, 441 So. 2d 1073 (Fla. 1983).

The instant case involves the decision of the Florida Supreme Court entered on February 28, 2018 denying Mr. Pope'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 *Pope v. State*, 237 So. 3d 926 (Fla. 2018). (Attachment A).

Neither Mr. Pope nor Respondent filed a motion for rehearing with the Florida Supreme Court. Mr. Pope's time to petition for certiorari in this Court regarding the Florida Supreme Court's denial of relief expires on Tuesday, May 29, 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. Pope'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 30, 2018.

WHEREFORE, Petitioner, through his undersigned counsel, respectfully requests an extension of time of sixty (60) days, from the due date of May 29, 2018 until July 30 2018, within which to file the Petition for Writ of Certiorari to the Florida Supreme Court the above-styled case.¹

Respectfully submitted,

/s/ William M. Hennis III
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¹ July 28, 2018, the 60th day, falls on a Saturday.

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 May 16, 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