

DOCKET NO. _____

IN THE

SUPREME COURT OF THE UNITED STATES

OCTOBER TERM, 2017

JUAN DAVID RODRIGUEZ,
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, JUAN DAVID RODRIGUEZ, 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 September 3, 2018. Mr. Rodriguez 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 Eleventh Judicial Circuit in and for Miami-Dade County, Florida. He was convicted by a jury of one count of first-degree murder on March 28th, 1990. The jury recommended death

by a twelve (12) to zero (0) vote, and the trial judge imposed a death sentence. Mr. Rodriguez's conviction and sentence were affirmed on direct appeal. Subsequent state and federal postconviction proceedings produced a voluminous record. The case in chief is currently pending before the United States Court of Appeals for the Eleventh Circuit.

The instant case involves the decision of the Florida Supreme Court entered on April 8th, 2018 denying Mr. Rodriguez's state habeas claim that his sentence of death is unconstitutional in light of the enactment of Fla. Stat. 2017-1. *Rodriguez v. Jones*, 2018 WL1673423 (Fla. April 6, 2018). (Attachment A).

Neither Mr. Rodriguez nor Respondent filed a motion for rehearing with the Florida Supreme Court. Mr. Rodriguez's time to petition for certiorari in this Court regarding the Florida Supreme Court's denial of relief expires on Thursday July 5, 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 a lead counsel 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 responsibilities in her individual cases, counsel has not been able to prepare a proper petition for writ of certiorari in Mr. Rodriguez'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 September 3, 2018.

WHEREFORE, Petitioner, through his undersigned counsel, respectfully requests an extension of time of sixty (60) days, from the due date of July 5th, 2018 until September 3rd 2018, within which to file the Petition for Writ of Certiorari to the Florida Supreme Court the above-styled case.

Respectfully submitted,

/s/ Rachael Day
RACHELL. DAY
Florida Bar No. 0068535
Assistant CCRC
CCRC South
dayr@ccsr.state.fl.us

CCRC-South
1 East Broward Boulevard, Suite 444
Fort Lauderdale, FL 33301
(954) 713-1284
(954) 713-1299 (fax)
Attorney for Petitioner

PROOF OF SERVICE

I, Rachel Day, 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 Suzanne Bechard, at the Office of the Attorney General, 3507 E. Frontage Rd., Suite 200, Tampa, FL 33607 on June 25, 2018. I further certify that all parties required to be served have been served.

/s/ Rachel Day
RACHEL DAY
Florida Bar No. 0068535