

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

IN THE SUPREME COURT OF THE UNITED STATES  
OCTOBER TERM, 2018

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VICTOR TONY JONES,  
Petitioner

vs.

STATE OF FLORIDA,  
Respondent.

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APPLICATION FOR A SIXTY DAY EXTENSION OF TIME  
TO FILE PETITION FOR WRIT OF CERTIORARI TO  
THE FLORIDA SUPREME COURT

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CAPITAL CASE

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

Petitioner Victor Tony Jones, 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 days to file a petition for writ of certiorari to the Florida Supreme Court. Jones 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).

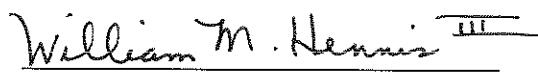
Jones was convicted of two counts of first degree murder and related offenses and was sentenced to death in the Circuit Court of the Eleventh Judicial Circuit in

and for Miami-Dade County, Florida. This case involves a petition arising from the Florida Supreme Court's decision affirming the denial of Jones's successive motion for postconviction relief on May 2, 2018 (Attachment A). No motion for rehearing was filed, therefore Jones's time to petition for certiorari in this Court expires on July 31, 2018. Jones files this application fourteen days before that date in accordance with Rule 13.5, which requires that applications for extensions of time be filed at least ten days before the petition is due.

Jones has good cause for this request. Undersigned counsel of record is the Litigation Director at Capital Collateral Regional Counsel-South (CCRC-South), a State of Florida public defense organization for capital defendants. Counsel has management oversight responsibilities for approximately fifty capital postconviction cases at all stages of litigation and appellate proceedings in both state and federal court. Counsel also maintains a caseload of eight capital cases in various stages of state postconviction and federal habeas corpus litigation.

WHEREFORE, Petitioner Victor Tony Jones, through undersigned counsel, respectfully requests an extension of time of sixty days, from the current due date of July 31, 2018 to September 29, 2018, to file his petition for writ of certiorari to the Florida Supreme Court.

Respectfully submitted,

  
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COUNSEL FOR JONES

July 17, 2018

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# Supreme Court of Florida

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No. SC18-285

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**VICTOR TONY JONES,**  
Appellant,

vs.

**STATE OF FLORIDA,**  
Appellee.

[May 2, 2018]

PER CURIAM.

We have for review Victor Tony Jones' appeal of the circuit court's order denying Jones' motion filed pursuant to Florida Rule of Criminal Procedure 3.851. This Court has jurisdiction. *See* art. V, § 3(b)(1), Fla. Const.

Jones' motion sought relief pursuant to the United States Supreme Court's decision in *Hurst v. Florida*, 136 S. Ct. 616 (2016), and our decision on remand in *Hurst v. State (Hurst)*, 202 So. 3d 40 (Fla. 2016), *cert. denied*, 137 S. Ct. 2161 (2017). After this Court decided *Hitchcock v. State*, 226 So. 3d 216 (Fla.), *cert. denied*, 138 S. Ct. 513 (2017), Jones responded to this Court's order to show cause arguing why *Hitchcock* should not be dispositive in this case.

After reviewing Jones' response to the order to show cause, as well as the State's arguments in reply, we conclude that Jones is not entitled to relief. A jury convicted Jones of two counts of first-degree murder and recommended a sentence of death for each count, one by a vote of ten to two and the other by a vote of twelve to zero. *Jones v. State*, 652 So. 2d 346, 348 (Fla. 1995). Following the jury's recommendations, the trial court sentenced Jones to death on both counts. *Id.* Jones' sentences of death became final in 1995. *Jones v. Florida*, 516 U.S. 875 (1995). Thus, *Hurst* does not apply retroactively to Jones' sentences of death. See *Hitchcock*, 226 So. 3d at 217. Accordingly, we affirm the denial of Jones' motion.

The Court having carefully considered all arguments raised by Jones, we caution that any rehearing motion containing reargument will be stricken. It is so ordered.

LABARGA, C.J., and QUINCE, POLSTON, and LAWSON, JJ., concur.  
PARIENTE, J., concurs in result with an opinion.  
LEWIS and CANADY, JJ., concur in result.

PARIENTE, J., concurring in result.

I concur in result because I recognize that this Court's opinion in *Hitchcock v. State*, 226 So. 3d 216 (Fla. 2017), *cert. denied*, 138 S. Ct. 513 (2017), is now final. However, I continue to adhere to the views expressed in my dissenting opinion in *Hitchcock*.

An Appeal from the Circuit Court in and for Miami-Dade County,  
Dennis James Murphy, Judge - Case No. 131990CF0501430001XX

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Litigation Director, and Nicole M. Noël, Assistant Capital Collateral Regional  
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for Appellant

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