

DOCKET NO. _____

IN THE SUPREME COURT OF THE UNITED STATES
OCTOBER TERM, 2017

DUANE EUGENE OWEN

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**

COMES NOW the Petitioner, DUANE EUGENE OWEN, by and through the undersigned counsel, and pursuant to Supreme Court Rule 13-5, and respectfully requests as extension of sixty (60) days within which to file his Petition for Writ of Certiorari to the Florida Supreme Court. In support of his request, Petitioner, through counsel, states the following:

1. Petitioner is an indigent death-sentenced inmate in the custody of the State of Florida. Undersigned counsel has represented Petitioner in collateral proceedings in state and federal court since approximately 2005, along with primary counsel / attorney of record James Driscoll who has represented Petitioner

since approximately 2004 while employed by the Law Offices of Capital Collateral Regional Counsel - Middle Region (CCRC-M). Mr. Driscoll was appointed to represent Mr. Owen in the United States District Court for the Southern District of Florida, as well as in the United States Court of Appeals for the Eleventh Circuit pursuant to the Criminal Justice Act (18 U.S.C. §3006A).

2. This case follows from the decision of the Florida Supreme Court affirming the trial court's denial of Mr. Owen's successive motion for postconviction relief filed under Florida Rule of Criminal Procedure 3.851.

3. This Court has certiorari jurisdiction under 28 U.S.C. §1257.

4. The Florida Supreme Court issued the opinion affirming the trial court's denial on June 26, 2018. (Attachment A). No motion for rehearing was filed. Petitioner's current due date for the petition is Monday, September 24, 2018.

5. Petitioner shows the following good cause in support of this request:

A. Attorney of record James Driscoll underwent emergency surgery on August 6, 2018. He was recently released from the hospital, and will be out of the office for an unknown period of time on extended medical leave/rehabilitation. Legal team member attorney Gregory Brown recently left the Office of the CCRC-M and took new employment.

B. Undersigned counsel is left with a number of very active cases that require considerable work and attention to provide the representation necessary in capital cases.

C. Undersigned counsel currently has a complex brief due to be filed in the Florida Supreme Court on October 22, 2018 (Appellee / Cross-Appellant Mark Anthony Poole FSC No. 18-245). In addition to this certiorari petition, counsel currently has 3 separate certiorari petitions due in this Court in less than 50 days: due date of October 1 (Petitioner Ray Lamar Johnston FSC No. 17-1678, and due dates of October 3 (Petitioners Perry Alexander Taylor FSC No. 17-1501 & Scott Mansfield FSC No. 18-382). Remarkably, both of these cases became final on the same day: Friday July 5, 2018.

D. As a result of the forgoing, counsel respectfully requests a 60-day extension of time [from the current September 24, 2018 due date] to submit a petition for writ of certiorari.

WHEREFORE, Petitioner, through undersigned counsel, respectfully requests an extension of sixty (60) days from the September 24, 2018 date to file the Petition for Writ of Certiorari on behalf of Petitioner.

/s/ David D. Hendry

David D. Hendry

Florida Bar No. 0160016

Office of the Capital Collateral Regional Counsel -
Middle Region

12973 N. Telecom Parkway

Temple Terrace, FL 33637

Telephone (813) 558-1600

Fax: (813) 558-1601

for

/s/ James L. Driscoll Jr.

James L. Driscoll Jr.*

Florida Bar No. 0078840

Office of the Capital Collateral Regional Counsel -
Middle Region

12973 N. Telecom Parkway

Temple Terrace, FL 33637

Telephone (813) 558-1600

Fax: (813) 558-1601

Attorney of Record for the Petitioner*