

No. \_\_\_\_\_

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IN THE  
**Supreme Court of the United States**

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WILLIE SETH CRAIN, JR.

Petitioner,

v.

STATE OF FLORIDA

Respondents.

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**APPLICATION FOR SIXTY (60) DAY EXTENSION OF TIME TO FILE  
PETITION FOR WRIT OF CERTIORARI  
TO THE SUPREME COURT OF FLORIDA ADDRESSED  
TO JUSTICE CLARENCE THOMAS**

COMES NOW, the Petitioner, WILLIE SETH CRAIN, JR., by and through undersigned counsel, and pursuant to Supreme Court Rule 13-5, and respectfully requests an extension of time 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 as follows:

1. Mr. Crain is an indigent death-sentenced inmate in the custody of the State of Florida. Mr. Crain was convicted of murder in the Circuit Court of the Thirteenth Judicial Circuit in Hillsborough County, Florida.

2. Undersigned counsel was appointed to represent Mr. Crain in the Circuit Court of the Thirteenth Judicial Circuit of Florida, in the Supreme Court of Florida and in the United States District Court for the Middle District of Florida, Tampa Division.

3. This case involves an appeal from the decision of the Supreme Court of Florida denying Mr. Crain's Motion for Post-Conviction Relief pursuant to *Hurst v. Florida*, 136 S. Ct. 616 (2016).

4. Mr. Crain will file a Petition for Writ of Certiorari in this Court.

5. On April 5, 2018, the Supreme Court of Florida issued an opinion denying Mr. Crain's appeal of his Motion for Post-Conviction Relief. (Attachment A). A Motion for Rehearing was denied on July 5, 2018. (Attachment B). Calculating the time for Mr. Crain to file a Petition for Writ of Certiorari, the 90th day would fall on October 3, 2018.

6. This Court has jurisdiction based on 28 U.S.C. § 1257.

7. Counsel is employed by the Law Office of the Capital Collateral Regional Counsel-Middle Region, (CCRC-M), a State of Florida governmental agency. The CCRC-M has represented Mr. Crain since 2005. Counsel is uniquely qualified to draft the Petition for Certiorari based on experience representing Mr. Crain in Florida courts.

8. CCRC-M has experienced a loss of attorneys based on recent resignations and retirements. As a result, counsel's caseload has increased. The additional cases

involve complex procedural histories and legal issues that counsel is attempting to become familiar with to provide proper representation to these new clients.

9. In addition, counsel has been addressing the implications of this Court's decision in *Hurst v. Florida*, 136 S. Ct. 616 (2016) and the Supreme Court of Florida's decisions that followed. Since the Supreme Court of Florida issued per curiam opinions *en masse* in early 2018 on the implications of *Hurst*, counsel will be responsible for preparing petitions for certiorari in *Willie Seth Crain, Jr. v. Florida* and *Enoch Hall v. Florida*, in addition to carrying a full post-conviction case load.

10. Mr. Crain respectfully requests an extension of 60 days to file a Petition for Writ of Certiorari.

WHEREFORE, Petitioner, through his counsel, respectfully requests an extension of time of sixty (60) days to file the Petition for Writ of Certiorari to the Supreme Court of the Florida in this case.

Respectfully submitted,

/s/ Ann Mare Mirialakis  
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