

DOCKET NO. _____

IN THE SUPREME COURT OF THE UNITED STATES

OCTOBER TERM, 2018

**WILLIAM LEE THOMPSON,
Petitioner,**

vs.

**STATE OF FLORIDA,
Respondent.**

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

CAPITAL CASE

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

Petitioner, WILLIAM LEE THOMPSON, 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 June 7, 2019.

Mr. Thompson 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).

Mr. Thompson was convicted of one count of first-degree murder and sentenced to death in the Circuit Court of the Eleventh Judicial Circuit in and for Miami-Dade County, Florida. This case involves the decision of the Florida Supreme Court entered on January 7, 2019, affirming the denial of Mr. Thompson's successive motion for postconviction relief, including his claim that his sentences of death are unconstitutional in light of the decisions in *Hurst v. Florida*, 136 S. Ct. 616 (2016) and *Hurst v. State*, 202 So. 3d 40 (Fla. 2016). See *Thompson v. State*, 261 So. 3d 1255 (Fla. 2019). ("Attachment A").

Mr. Thompson's time to petition for certiorari in this Court regarding the Florida Supreme Court's decision expires on April 7, 2019. This application for a sixty-day extension is being filed more than ten days before that date. Undersigned counsel shows the following good cause in support of this request.

Mr. Thompson is represented by the Office of the Capital Collateral Regional Counsel-South (CCRC-South), a Florida state agency charged with the responsibility of representing indigent death row inmates. Undersigned counsel is assigned as lead counsel for Mr. Thompson and carries a full caseload of capital postconviction cases in addition to multiple trial level cases. Undersigned counsel is lead counsel on several cases being litigated in the trial courts, Florida Supreme Court, and federal courts at various stages of the postconviction process.

Due to undersigned counsel's caseload and the posture of her cases, counsel has not been able to prepare a proper petition for writ of certiorari in Mr. Thompson's case. If the sixty-day extension of time is granted, counsel's intention is to file a petition for certiorari on or before June 7, 2019.

Wherefore, Mr. Thompson respectfully requests that an order be entered extending his time to petition for certiorari to and including June 7, 2019.

Respectfully submitted,

/s Marie-Louise Samuels Parmer

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ATTACHMENT A

261 So.3d 1255 (Mem)
Supreme Court of Florida.

William Lee THOMPSON, Appellant,
v.
STATE of Florida, Appellee.

No. SC18-1435
|
January 7, 2019

An Appeal from the Circuit Court in and for Miami-Dade County, Marisa Tinkler-Mendez, Judge - Case No. 131976CF003350B000XX

Attorneys and Law Firms

Neal Dupree, Capital Collateral Regional Counsel, Marie-Louise Samuels Parmer, Special Assistant Capital Collateral Regional Counsel, and Brittney Nicole Lacy, Staff Attorney, Southern Region, Fort Lauderdale, Florida, for Appellant

Pamela Jo Bondi, Attorney General, Tallahassee, Florida, and Melissa Roca Shaw, Assistant Attorney General, Miami, Florida, for Appellee

Opinion

PER CURIAM.

We have for review William Lee Thompson's appeal of the postconviction court's order denying Thompson's motion filed pursuant to [Florida Rule of Criminal Procedure 3.851](#). This Court has jurisdiction. *See art. V, § 3(b)(1), Fla. Const.*

Thompson's motion sought relief pursuant to the United States Supreme Court's decision in *Hurst v. Florida*, —

U.S. —, 136 S.Ct. 616, 193 L.Ed.2d 504 (2016), and our decision on remand in *Hurst v. State (Hurst)*, 202 So.3d 40 (Fla. 2016), *cert. denied*, — U.S. —, 137 S.Ct. 2161, 198 L.Ed.2d 246 (2017). Thompson responded to this Court's order to show cause arguing why *Hitchcock v. State*, 226 So.3d 216 (Fla.), *cert. denied*, — U.S. —, 138 S.Ct. 513, 199 L.Ed.2d 396 (2017), should not be dispositive in this case.

After reviewing Thompson's response to the order to show cause, as well as the State's arguments in reply, we conclude that Thompson is not entitled to relief. Thompson was convicted of first-degree murder and sentenced to death following a jury's recommendation for death by a vote of seven to five. *Thompson v. State*, 619 So.2d 261, 264 (Fla. 1993). Thompson's sentence of death became final in 1993. *Thompson v. Florida*, 510 U.S. 966, 114 S.Ct. 445, 126 L.Ed.2d 378 (1993). Thus, *Hurst* does not apply retroactively to Thompson's sentence of death. *See Hitchcock*, 226 So.3d at 217; *see also Foster v. State*, No. SC18-860, 258 So.3d 1248, 1250–53, 2018 WL 6379348, at *2-4 (Fla. Dec. 6, 2018) (explaining why the “elements of ‘capital first-degree murder’ ” argument derived from *Hurst* and the legislation implementing *Hurst* “has no merit”). Accordingly, we affirm the postconviction court's order denying relief.

It is so ordered.

QUINCE, POLSTON, LABARGA, and LAWSON, JJ., concur.

CANADY, C.J., and PARIENTE and LEWIS, JJ., concur in result.

All Citations

261 So.3d 1255 (Mem), 44 Fla. L. Weekly S111