

CASE NO. _____

THE SUPREME COURT
OF THE UNITED STATES

MICHALE ANTHONY HOFFMAN,
Applicant,

v.

STATE OF FLORIDA,
Respondent.

**Michale Anthony Hoffman's Corrected Application to
Justice Clarence Thomas to Extend Time to File
Petition for Writ of Certiori to Review Judgment of the Circuit Court
for the Fourth Judicial Circuit, in and for Duval County, Florida**

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SUMMARY

Applicant, Michale Anthony Hoffman, respectfully requests that Justice Clarence Thomas, as Circuit Justice for the United States Court of Appeals for the Eleventh Circuit, extend the time for Mr. Hoffman to file a petition for writ of certiorari. The original deadline for Mr. Hoffman to file his petition was Tuesday, September 18, 2018, which is ninety days from Wednesday, June 20, 2018, the date when Florida's First District Court of Appeal (the "First DCA") denied without written opinion Mr. Hoffman's Petition for Certiorari to review the Judgment of the Circuit Court of the Fourth Judicial Circuit, in and for Duval County, Florida. On Tuesday, September 18, 2018, Mr. Hoffman postmarked and mailed his original Application for Extend Time to File Petition for Writ of Certiorari. However, the Original Application was returned to the undersigned Counsel, because (1) the undersigned Counsel failed to include a copy of the First DCA's Order, and (2) the undersigned Counsel was not yet admitted to practice before the Supreme Court of the United States. Mr. Hoffman now files this corrected application to extend time to file a Petition for Writ of Certiorari. Mr. Hoffman respectfully requests that the

new deadline be extended 59 days from the original deadline of September 18, 2018, so that the new deadline would be Friday, November 16, 2018.

BACKGROUND

On August 12, 2014, at approximately 3:30 p.m., Mr. Hoffman was arrested and later charged by Information with a single count of trespassing, in violation of Fla. Stat. § 810.09. Prior to his arrest, Mr. Hoffman had been walking along the shoulder of Yankee Clipper Drive, a public street in Jacksonville, Florida, carrying two signs with political speech on both sides. One sign read “Police State” on one side and “Liars Investigate Liars” on the other side. The other sign read, “F??k the T.S.A.” on one side and “I.R.S. = Terrorist” on the other side. At the time, although Mr. Hoffman was on Jacksonville Aviation Authority (“JAA”) property, he was approximately one mile from the closest JAA airport terminal. It is undisputed that Yankee Clipper Drive is a public street with multiple outlets, and that it is used daily by all types of motorists for purposes unrelated to the JAA or Jacksonville International Airport.

JAA police officers drove up to Mr. Hoffman, exited their vehicles, and advised him that he would need permission from JAA to be where he was walking, specifically and only because he was carrying signs with speech on them. The officers provided Petitioner an “Application for Permit for Solicitations, Picketing, Demonstrations, Special Events Request for Approved Locations.”

Section 3-7 of JAA Rules and Regulations governs solicitations, picketing, demonstrations, and special events on JAA property:

(a) Conduct of or participation in solicitation, picketing, demonstrating, parading, marching, patrolling, sit-ins, sit-downs, or other related activities and/or assembling, carrying, distributing, or displaying pamphlets, signs, placards, or other material is prohibited without prior written permission of the Authority. (1) When approved by the Authority, such activities shall only be conducted in those areas identified by the Authority. (2) The process to obtain Authority permission is set forth in the Appendix.

Additionally, in Section 1-8 of JAA Rules and Regulations, JAA reserves the right to disapprove any application, including applications for protest or picketing, if the person or entity applying does not “demonstrate adequate financial capacity or responsibility to undertake the proposed use” or if the person or entity “cannot obtain a bond or insurance in the type and amount required by the Authority for the proposed use.” The JAA Rules and Regulations provided no standards or guidelines for determining such “adequate financial capacity” or “the type and amount” of “bond or insurance”.

Because Mr. Hoffman had not obtained pre-clearance to carry signs with speech on them, the JAA police officers issued Mr. Hoffman a trespass warning and ordered him to depart from the shoulder of the public street. Believing that JAA’s Protest Permitting Regulation was unconstitutional and unenforceable, Mr. Hoffman declined to depart, and thereafter, the JAA police officers arrested him. On September 3, 2014, the State of Florida filed its one-count Information, charging Mr. Hoffman with trespass after warning. *See FLA. STAT. § 810.09.* Mr. Hoffman was convicted following a jury trial on July 8, 2015.

Mr. Hoffman timely filed a direct appeal to the Circuit Court of the Fourth Judicial Circuit of Florida, and on June 19, 2017, the Circuit Court entered its six-

page Opinion, affirming Mr. Hoffman's conviction. On July 19, 2018, Mr. Hoffman timely petitioned to Florida's First DCA for the issuance of a Writ of Certiorari, and on August 10, 2017, the First District Court of Appeal entered its Order, directing the State of Florida to Show Cause why Mr. Hoffman's Petition should not be granted. After further briefing, Florida's First DCA entered its Order denying Mr. Hoffman's Petition on June 20, 2018. On June 28, 2018, Mr. Hoffman timely moved for issuance of a written opinion, but on July 18, 2018, Mr. Hoffman's motion for issuance of written opinion was denied by the First DCA.

ARGUMENT

Recognizing that an extension of the time for the filing of a petition for writ of certiorari requires good cause and that requests for extensions of time are not favored, Mr. Hoffman respectfully requests that Justice Thomas, as Circuit Justice for the Eleventh Circuit, extend the time for Mr. Hoffman to file a petition for writ of certiorari. Mr. Hoffman requests that the deadline be extended by fifty-nine (59) days from the original deadline, so that the new deadline would be Friday, November 17, 2018. To establish good cause for his request, Mr. Hoffman makes the following arguments in favor of extending the deadline.

First, Mr. Hoffman's application satisfies the procedural requirements of Supreme Court Rule 13.5. The trial court in this case was the County Court of the Fourth Judicial Circuit of Florida. The Circuit Court of the Fourth Judicial Circuit of Florida reviewed the case on direct appeal. Because Florida's First DCA declined to issue a written opinion on Mr. Hoffman's petition for a writ of certiorari, the Florida

Supreme Court did not have jurisdiction to review the First DCA's denial of certiorari relief. Accordingly, the Supreme Court of the United States has jurisdiction to review the opinion of the Circuit Court of the Fourth Judicial Circuit of Florida. Attached hereto are both the First DCA's Order denying without explanation Mr. Hoffman's petition for writ of certiorari and the Fourth Judicial Circuit's Order Affirming the judgment of the trial court.

Second, Mr. Hoffman's undersigned Counsel has remedied the defects with his original Application to Extend Time. The undersigned Counsel is now a member of the bar of this Court, and Mr. Hoffman has enclosed herewith both the Opinion of the Fourth Judicial Circuit of Florida and the Opinion of the First DCA. The original Application to Extend Time was timely filed, and Mr. Hoffman respectfully requests that the date of this Application relate back to the post-mark date of his original Application.

Finally, Mr. Hoffman seeks additional time to research the important issues of constitutional law that the above-described facts present.

CONCLUSION

Accordingly, Mr. Hoffman respectfully asks Justice Thomas, as Circuit Justice for the Eleventh Circuit, to extend the time for Mr. Hoffman to file a petition for writ of certiorari. Mr. Hoffman requests that the deadline be extended by fifty-nine (59) days, so that the new deadline would be Friday, November 17, 2018.

This application is respectfully submitted on Tuesday, October 23, 2018.



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PROOF OF SERVICE

I HEREBY CERTIFY that on this day, I served a true and accurate copy of the foregoing document via email upon:

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