

SUPREME COURT OF THE UNITED STATES

SAMUEL R. CONE II,
Petitioner,

vs

Case No.:

FLCA 5D No. 19-3113

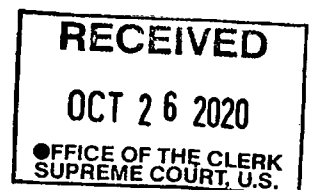
STATE OF FLORIDA,
Respondent.

MOTION DIRECTING THE CLERK TO FILE THE
ATTACHED PETITION OUT-OF-TIME

The Petitioner, Samuel R. Cone II, pro se respectfully directs the
Clerk to file the attached Petition for a writ of certiorari out-of-time.

Respectfully submitted,

Samuel R. Cone II
Samuel R. Cone II #641643
Columbia Corr. Inst. Main Unit
216 S.E. Corrections Way
Lake City, Fla. 32025-2013



IN THE

Supreme Court of the United States

Samuel R. Cone, II
Petitioner,

vs.

Case No.

FLCA 5D No. 19-3113

State of Florida,

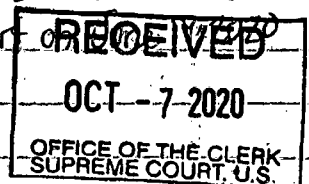
Respondent.

PETITIONER'S PRO SE MOTION FOR REHEARING

The Petitioner, Samuel R. Cone II, pro se, Pursuant to Rule 44, Rules of the Supreme Court, respectfully moving this Honorable Court for Rehearing of the September 16, 2020 decision (attached) received on September 23, 2020 by the Petitioner. In support thereof, Mr. Cone would show as follows:

1. Mr. Cone received on September 16, 2020 a correspondence from this Honorable Court's Clerk, Clara Houghteling, which determined that Mr. Cone's pro se Petition for a Writ of Certiorari was out-of-time and was returned. The Petition was received by the Clerk on September 15, 2020 with a postmark of September 1, 2020. The petition was due on or before August 28, 2020. Thus, the Petition was Three (3) days overdue.

2. This Honorable Court entered an Order on March 19, 2020 Thursday (Order List: 589 U.S.) recognizing the unique circumstances and seriousness arising from the COVID-19 pandemic, Mr. Cone moved this Court



for an extension of time to file his pro se Petition resulting in being allowed until August 28, 2020 to file the Petition.

3. The State of Florida's Penal System Law Library during the quarantine imposed on Columbia Corr. Inst. Main Unit was completely closed when all the Clerks were under quarantine. Just recently the Law Library opened up for Clerks only and presently only for deadline patrons. Therefore, during the period of time in which Mr. Cone had to type and have copied any access to the Law Library was strictly controlled with large backlogs of typing and photocopying requests.

4. Mr. Cone would have this Honorable Court recognize the terrible quandry prisoners are in being incarcerated in the State of Florida and understand that the prisoners are attempting, with their best of abilities, under strict limitations, to meet all deadlines - sometimes with missed deadlines of a day or two. *1

5 Mr. Cone would therefore respectfully request that Rehearing be granted, allowing his pro se Petition to be filed and reviewed on merits

Respectfully submitted,

Samuel A. Cone II

Samuel A. Cone II, #641643
Columbia Corr. Inst. Main Unit
216 S.E. Corrections Way
Lake City, Fla. 32025-2013

*1 Even the State of Florida has Rules of Judicial Administration Rules 2.514 and Rules of Criminal Procedures Rule 3.800 (b) (1) (B) and especially Rule 3.070 allows additional time when serviced by U.S. Mail (anywhere from 3 to 5 days) Federal Rules allows 3 days additional to comply w/ orders.

DECLARATION PURSUANT TO
RULE 29.2.

I hereby declare under the penalty of perjury, that I have deposited this motion and Petition in the Institution's mail system by handing the motion and Petition to the Institutional Legal Officer and that the first class postage has been prepaid on this 15 day of October 2020


Samuel R. Cone #

IN THE DISTRICT COURT OF APPEAL OF THE STATE OF FLORIDA
FIFTH DISTRICT

NOT FINAL UNTIL TIME EXPIRES TO
FILE MOTION FOR REHEARING AND
DISPOSITION THEREOF IF FILED

SAMUEL R. CONE, II,
Appellant,

v.

Case No. 5D19-3113

STATE OF FLORIDA,
Appellee.

Decision filed March 31, 2020

3.800 Appeal from the Circuit
Court for Marion County,
Anthony M. Tatti, Judge.

Samuel R. Cone, II, Lake City, pro se.

Ashley Moody, Attorney General,
Tallahassee, and Rebecca Rock
McGuigan, Assistant Attorney General,
Daytona Beach, for Appellee.

PER CURIAM.

AFFIRMED.

EVANDER, C.J., HARRIS and TRAVER, JJ., concur.

**Additional material
from this filing is
available in the
Clerk's Office.**