

No. \_\_\_\_

**IN THE  
SUPREME COURT OF THE UNITED STATES**

**EVERETT GLENN MILLER,**

Petitioner,

v.

**FLORIDA,**

Respondent.

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**MOTION TO ACCEPT CERTIORARI PETITION AS TIMELY FILED**

Comes now the Petitioner, Everett G. Miller, through undersigned counsel, and moves this Court for an order accepting his Petition for Writ of Certiorari, filed with this Motion, as timely filed. As grounds for this Motion the Petitioner states:

1. The Petition filed with this Motion arises out of a capital prosecution.

Mr. Miller was convicted in the Florida state courts of first-degree murder, and sentenced to death. The Florida Supreme Court affirmed that conviction and sentence in a decision and opinion issued February 29, 2024. Miller v.

State, 379 So. 3rd 1109 (Fla. 2024). No rehearing was sought from that decision.

2. The petition filed with this Motion was timely prepared by associate counsel. Through an error solely attributable to the undersigned, the petition's due date was calendared for a date in mid-June of this year.

3. While the petition filed with this Motion is untimely under this Court's Rule 13, the defect is not jurisdictional. Bowles v. Russell, 551 U.S. 205, 212 (2007), citing Schacht v. United States, 398 U.S. 58 (1970). Here the late filing was in no way the fault of the Petitioner himself, and he has in no way acted in bad faith. See Schacht at 63-64.

WHEREFORE the Petitioner requests this Court to accept, as timely filed, his Petition for Writ of Certiorari to the State of Florida, filed with this Motion.

PUBLIC DEFENDER  
SEVENTH JUDICIAL CIRCUIT OF  
FLORIDA

/s/ Nancy Ryan  
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#### CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 10<sup>th</sup> day of June, 2024, a copy of the Motion to Accept Certiorari Petition as Timely Filed has been submitted using the Electronic Filing System, and electronically served to the Attorney General's Office, at, [capapp@myfloridalegal.com](mailto:capapp@myfloridalegal.com).

/s/ Nancy Ryan  
Nancy Ryan  
Assistant Public Defender