

DOCKET NO. _____

IN THE SUPREME COURT OF THE UNITED STATES

OCTOBER TERM, 2017

MARK TWILEGAR,
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 Mark Twilegar, 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 days to file a petition for writ of certiorari to the Florida Supreme Court, to and including March 20, 2018. Mr. Twilegar 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. Twilegar was convicted of murder and sentenced to death in the Circuit Court of the Twentieth Judicial Circuit in and for Lee County, Florida. This case involves a petition arising from the decision of the Florida Supreme Court denying Mr. Twilegar's claim that his sentence of death is unconstitutional in light of the decisions in *Hurst v. Florida*, 136 S. Ct. 616 (2016) and *Hurst v. State*, 202 So. 3d 40 (2016), *cert. denied*, 137 S. Ct. 2161 (2017). On November 2, 2017, the Florida Supreme Court denied Mr. Twilegar's successive Rule 3.851 motion for postconviction relief based upon *Mullens v. State*, 197 So. 3d 16 (Fla. 2016), *cert. denied*, 137 S. Ct. 672 (2017). *See Twilegar v. Florida*, 228 So. 3d 550 (2017) (Attachment A).

Neither Mr. Twilegar nor Respondent filed a motion for rehearing with the Florida Supreme Court. Mr. Twilegar's time to petition for certiorari in this Court regarding the Florida Supreme Court's denial of relief expires on January 31, 2018. This application for a sixty (60) day extension is being filed ten (10) days before that date.¹ Undersigned counsel shows the following good cause in support of this request.

¹ The tenth day on which to file this application for extension of time fell on Sunday, January 21, 2018. In lieu of this timeline Mr. Twilegar is sending the application for extension to the Court on Friday January 19, 2018 via Federal Express to arrive the next business morning following the tenth day. In addition to sending this application for extension via Federal Express Mr. Twilegar is also filing electronically with the Court's e-portal filing service.

Mr. Twilegar's counsel is Chief Assistant at the Capital Collateral Regional Counsel-South (CCRC-South). As Chief Assistant undersigned counsel is responsible for the oversight and leadership of the office-wide case load of CCRC-South as well as the direction and supervision of staff members within the office.

Given undersigned counsel's extensive duties as chief assistant, as well as her responsibilities in her own individual cases, counsel has not been able to prepare a proper petition for writ of certiorari in Mr. Twilegar's case. If the sixty (60) day extension of time is provided, counsel's intention is to file a petition for certiorari on or before March 20, 2018.

Wherefore, Mr. Twilegar respectfully requests that an order be entered extending his time to petition for certiorari to and including March 20, 2018.

Respectfully submitted,

/s/ Suzanne Keffer

SUZANNE KEFFER

Chief Assistant CCRC

Florida Bar No. 0150177

keffers@ccsr.state.fl.us

**Counsel of record*

CCRC-South

1 East Broward Boulevard, Suite 444

Fort Lauderdale, FL 33301

(954) 713-1284

(954) 713-1299 (fax)

COUNSEL FOR MR. TWILEGAR

CERTIFICATE OF SERVICE

I, Suzanne Keffer, counsel for petitioner and a member of the Bar of this Court, certify that I mailed a copy of this application to Assistant Attorney General Timothy Freeland at the Office of the Attorney General, 3507 East Frontage Road, Suite 200, Tampa, FL 33607 on January 19, 2018. I further certify that all parties required to be served have been served.

/s/ Suzanne Keffer
SUZANNE KEFFER
Chief Assistant CCRC-South
Florida Bar No. 0150177