

DOCKET No. \_\_\_\_\_

IN THE SUPREME COURT OF THE UNITED STATES

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SONNY RAY JEFFRIES,

Petitioner,

VS.

STATE OF FLORIDA,

Respondent.

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**APPLICATION FOR SIXTY (60) DAY EXTENSION OF TIME TO FILE PETITION  
FOR WRIT OF CERTIORARI  
TO THE SUPREME COURT OF FLORIDA ADDRESSED  
TO JUSTICE CLARENCE THOMAS**

PETITIONER, Sonny Ray Jeffries, respectfully requests an extension of time of sixty (60) days to file his Petition for Writ of Certiorari to the Supreme Court of Florida, pursuant to Supreme Court Rule 13. In support of his request, Petitioner states as follows:

1. Mr. Jeffries is an indigent death-sentenced inmate in the custody of the State of Florida. Mr. Jeffries was convicted of first-degree murder and armed robbery in the Circuit Court of the Ninth Judicial Circuit in and for Orange County, Florida.
2. Undersigned counsel was appointed to represent Mr. Jeffries in the Circuit Court of the Ninth Judicial of Florida and in the Supreme Court of Florida, in his post-conviction proceedings.
3. This case involves an appeal from the decision of the Supreme Court of Florida denying Mr. Jeffries' Motion to Vacate Sentence of Death pursuant to Florida Rule of Criminal Procedure 3.851, in light of this Court's decision in *Hurst v. Florida*, 136 S. Ct. 616 (2016).
4. Mr. Jeffries will file a Petition for Writ of Certiorari in this Court.

5. On January 26, 2018, the Supreme Court of Florida issued an opinion denying Mr. Jeffries' appeal of his Motion to Vacate Sentence of Death pursuant to Florida Rule of Criminal Procedure 3.85. *See Jeffries v. State*, 235 So. 3d 283 (Fla. 2018) (Attachment A). Calculating the time for Mr. Jeffries to file a Petition for Writ of Certiorari, the 90th day would fall on Thursday, April 26, 2018.

6. This Court has jurisdiction based on 28 U.S.C. § 1257.

7. Counsel is employed by the Law Office of the Collateral Regional Counsel-Middle Region, (CCRC-M), a State of Florida governmental agency. Undersigned counsel is uniquely qualified to draft the Petition for Certiorari based on her lengthy experience of representing Mr. Jeffries in Florida courts.

8. CCRC-M has experienced a loss of attorneys based on recent resignations and retirements and so undersigned counsel's caseload has increased. The additional cases involve complex procedural histories and legal issues that counsel is attempting to become familiar with to provide proper representation to these new clients. Further, undersigned counsel has had a number of state and federal filings due in the interim (*William Roger Davis v. State of Florida*; *William Roger Davis v. Barry Reddish, et. al.*; *Tavares Wright v. State of Florida*; *Margaret Allen v. State of Florida*; *Richard E. Lynch v. State of Florida*; *Emilia L. Carr v. State of Florida*; *Terence Tabius Oliver v. State of Florida*; *Michael L. King v. Secy', Department of Corrections*; *Quawn M. Franklin v. Secy', Department of Corrections*.) Undersigned counsel also has a bi-furcated evidentiary hearing set for next week (*Joseph Edward Jordan v. State of Florida*).

9. In addition, counsel has been addressing the implications of this Court's decision in *Hurst v. Florida*, 136 S. Ct. 616 (2016) and the Supreme Court of Florida's decisions that followed. Since the Supreme Court of Florida issued per curiam opinions *en masse* in early 2018 on the

implications of *Hurst*, undersigned counsel is responsible for preparing petitions for certiorari in three cases simultaneously (*Kenneth Darcell Quince v. Florida*; *Dominick A. Occhicone v. Florida*; *Quawn M. Franklin v. Florida*; and *Paul Alfred Brown v. Florida*), in addition to carrying a full post-conviction case load.

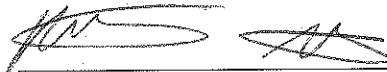
10. Mr. Jeffries respectfully requests an extension of 60 days to file a Petition for Writ of Certiorari.

WHEREFORE, Petitioner, through his counsel, respectfully requests an extension of time of sixty (60) days to file the Petition for Writ of Certiorari to the Supreme Court of the Florida in this case.

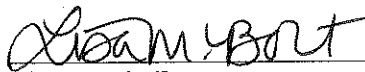
Respectfully submitted



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April 4, 2018.  
Dated

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ATTACHMENT A

*Jeffries v. State*, 235 So. 3d 283 (Fla. 2018)

235 So.3d 283  
Supreme Court of Florida.

Sonny Ray JEFFRIES, Appellant,

v.

STATE of Florida, Appellee.

No. SC17-920

[January 26, 2018]

#### Synopsis

**Background:** Motion was filed for post-conviction relief following affirmance of death sentence, 797 So.2d 573. The Circuit Court, Orange County, Frederick J. Lauten, J., No. 481993CF009667000AOX,

**[Holding:]** The Supreme Court held that Supreme Court's *Hurst*, 136 S.Ct. 616, decision invalidating capital sentencing scheme did not apply retroactively to conviction that became final in 2002.

Affirmed.

Pariente, J., concurred in result and filed statement.

Lewis and Canady, JJ., concurred in result.

An Appeal from the Circuit Court in and for Orange County, Frederick J. Lauten, Judge—Case No. 481993CF009667000AOX

#### Attorneys and Law Firms

James Viggiano, Jr., Capital Collateral Regional Counsel, Maria Christine Perinetti, Raheela Ahmed, and Lisa Marie Bort, Assistant Capital Collateral Regional Counsel, Middle Region, Temple Terrace, Florida, for Appellant

Pamela Jo Bondi, Attorney General, and Stephen D. Ake, Assistant Attorney General, Tampa, Florida, for Appellee

#### Opinion

PER CURIAM.

We have for review Sonny Ray Jeffries' appeal of the circuit court's order denying Jeffries' motion filed pursuant to Florida Rule of Criminal Procedure 3.851. This Court has jurisdiction. See art. V, § 3(b)(1), Fla. Const.

Jeffries' 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). This Court stayed Jeffries' appeal pending the disposition of *Hitchcock v. State*, 226 So.3d 216 (Fla. 2017), cert. denied, — U.S. —, 138 S.Ct. 513, 199 L.Ed.2d 396 (2017). After this Court decided *Hitchcock*, Jeffries responded to this Court's order to show cause arguing why Hitchcock should not be dispositive in this case.

After reviewing Jeffries' response to the order to show cause, as well as the State's arguments in reply, we conclude that Jeffries is not entitled to relief. Jeffries was sentenced to death following a jury's recommendation for death by a vote of eleven to one, and his sentence of death became final in January 2002. *Jeffries v. State*, 797 So.2d 573, 576 (Fla. 2001). Thus, *Hurst* \*284 does not apply retroactively to Jeffries' sentence of death. See *Hitchcock*, 226 So.3d at 217. Accordingly, we affirm the denial of Jeffries' motion.

The Court having carefully considered all arguments raised by Jeffries, we caution that any rehearing motion containing reargument will be stricken. It is so ordered.

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

PARIENTE, J., concurs in result with an opinion.

LEWIS and CANADY, JJ., concur in result.

PARIENTE, J., concurring in result.

I concur in result because I recognize that this Court's opinion in *Hitchcock v. State*, 226 So.3d 216 (Fla. 2017), cert. denied, — U.S. —, 138 S.Ct. 513, 199 L.Ed.2d 396 (2017), is now final. However, I continue to adhere to the views expressed in my dissenting opinion in *Hitchcock*.

**All Citations**

235 So.3d 283, 43 Fla. L. Weekly S46

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