

DOCKET No. _____

IN THE SUPREME COURT OF THE UNITED STATES

LENARD JAMES PHILMORE,

Petitioner

VS.

STATE OF FLORIDA,

Respondent.

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

COMES NOW THE PETITIONER, Lenard J. Philmore, by and through undersigned counsel, and pursuant to Supreme Court Rule 13-5, and respectfully requests an extension of time of sixty (60) days to file his Petition for Writ of Certiorari to the Supreme Court of Florida. In support of his request, Petitioner, through counsel, states as follows:

1. Mr. Philmore is an indigent death-sentenced inmate in the custody of the State of Florida. Mr. Philmore was convicted of murder in the Circuit Court of the Nineteenth Judicial Circuit in and for Martin County, Florida.

2. Undersigned counsel was appointed to represent Mr. Philmore in the Nineteenth Judicial Circuit Court of Florida and in the Supreme Court of Florida.

3. This case involves an appeal from the decision of the Florida Supreme Court denying Mr. Philmore's Successive Motion for Post-Conviction Relief Pursuant to Florida Rule of Criminal

Procedure 3.851.

4. This Court's jurisdiction rests on 28 U.S.C. §1257.

5. Mr. Philmore will file a Petition for Writ of Certiorari in this Court.

6. On January 25, 2018, the Florida Supreme Court denied Mr. Philmore's appeal of his Successive Motion for Post-Conviction Relief Pursuant to Florida Rule of Criminal Procedure 3.851. (Attachment A). Calculating the time for Mr. Philmore to file a Petition for Writ of Certiorari, the 90th day would fall on April 26, 2018.

7. Petitioner shows the following good cause in support of this request.

8. Undersigned counsel is employed by the Law Office of the Collateral Regional Counsel-Middle Region, (CCRC-M), a State of Florida governmental agency. Mr. Philmore's denial is one of many issued by the Florida Supreme Court in response to its *Hurst* show cause orders starting in late January of this year and continuing into early March. Petitioner's counsel has received six other denials of Rule 3.851 motions for clients similarly situated to Mr. Philmore.

9. Petitioner's counsel and team plan to file a Petition for Writ of Certiorari in six cases, including Mr. Philmore's. Because all six cases were issued by the Florida Supreme Court within a short time-frame, all six petitions will all come due within days or weeks of each other. As a result, undersigned counsel's caseload has increased considerably in addition to preparing an initial Motion for Post-Conviction Relief under Florida Rule of Criminal Procedure 3.851.

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

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

/S/ Ali. A. Shakoor

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