

No. _____

IN THE
Supreme Court of the United States

GUY GAMBLE

Petitioner,

v.

STATE OF FLORIDA

Respondents.

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

ATTACHMENT A

Gamble v. State, No. SC17-1101, 2018 WL 578716 (Fla. Jan. 29, 2018)

2018 WL 578716
Supreme Court of Florida.
Guy R. GAMBLE, Appellant,
v.
STATE of Florida, Appellee.

No. SC17-1101
|
[January 29, 2018]

Synopsis

Background: Motion was filed for post-conviction relief following affirmance of death sentence, [659 So.2d 242](#). The Circuit Court, Lake County, [G. Richard Singletary, J.](#), No. 351991CF001676BXXXXX, denied motion. Movant appealed.

[Holding:] The Supreme Court held that Supreme Court's [Hurst](#), 136 S.Ct. 616, decision invalidating capital sentencing scheme did not apply retroactively to death sentence that became final in 1996.

Affirmed.

[Pariente, J.](#), concurred in result and filed statement.

[Lewis](#) and [Canady, JJ.](#), concurred in result.

West Headnotes (1)

[1] Courts

 In general; retroactive or prospective operation

United States Supreme Court's [Hurst](#), 136 S.Ct. 616, decision invalidating capital sentencing scheme as violating Sixth Amendment did not apply retroactively to death sentence that became final in 1996. [U.S. Const. Amend. 6](#).

[Cases that cite this headnote](#)

An Appeal from the Circuit Court in and for Lake County, [G. Richard Singletary](#), Judge—Case No. 351991CF001676BXXXXX

Attorneys and Law Firms

[James Vincent Viggiano, Jr.](#), Capital Collateral Regional Counsel, [Ann Marie Mirialakis](#), and Ali A. Shakoar, Assistant Capital Collateral Regional Counsel, Middle Region, Temple Terrace, Florida, for Appellant

[Pamela Jo Bondi](#), Attorney General, Tallahassee, Florida, and Doris Meacham, Assistant Attorney General, Daytona Beach, Florida, for Appellee

Opinion

PER CURIAM.

***1** We have for review Guy R. Gamble's appeal of the circuit court's order denying Gamble's motion filed pursuant to [Florida Rule of Criminal Procedure 3.851](#). This Court has jurisdiction. [See art. V, § 3\(b\)\(1\), Fla. Const.](#)

Gamble's 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 Gamble's appeal pending the disposition of [Hitchcock v. State](#), 226 So.3d 216 (Fla. 2017), — U.S. —, 138 S.Ct. 513, — L.Ed.2d — (2017). After this Court decided [Hitchcock](#), Gamble responded to this Court's order to show cause arguing why [Hitchcock](#) should not be dispositive in this case.

After reviewing Gamble's response to the order to show cause, as well as the State's arguments in reply, we conclude that Gamble is not entitled to relief. Gamble was sentenced to death following a jury's recommendation for death by a vote of ten to two. [Gamble v. State](#), 659 So.2d 242, 244 (Fla. 1995). Gamble's sentence of death became final in 1996. [Gamble v. Florida](#), 516 U.S. 1122, 116 S.Ct. 933, 133 L.Ed.2d 860 (1996). Thus, [Hurst](#) does not apply retroactively to Gamble's sentence of death. [See Hitchcock](#), 226 So.3d at 217. Accordingly, we affirm the denial of Gamble's motion.

The Court having carefully considered all arguments raised by Gamble, 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, — L.Ed.2d — (2017), is now final. However, I continue to adhere to the views expressed in my dissenting opinion in [Hitchcock](#).

All Citations

--- So.3d ----, 2018 WL 578716, 43 Fla. L. Weekly S49