

No. _____

IN THE
Supreme Court of the United States

ROBERT DWAYNE MORRIS

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

Morris v. State, No. SC17-873, 2018 WL 563957 (Fla. Jan. 26, 2017)

2018 WL 563957
Supreme Court of Florida.

Robert D. MORRIS, Appellant,
v.
STATE of Florida, Appellee.

No. SC17-873
|
[January 26, 2018]

An Appeal from the Circuit Court in and for Polk County,
[Donald G. Jacobsen](#), Judge—Case No.
531994CF003961A1XXXX

Attorneys and Law Firms

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

[Pamela Jo Bondi](#), Attorney General, and [Scott A. Browne](#),
Assistant Attorney General, Tampa, Florida, for Appellee

Opinion

PER CURIAM.

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

Morris'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 Morris's 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](#), Morris responded to this

Court's order to show cause arguing why [Hitchcock](#) should not be dispositive in this case.

After reviewing Morris's response to the order to show cause, as well as the State's arguments in reply, we conclude that Morris is not entitled to relief. Morris was sentenced to death following a jury's recommendation for death by a vote of eight to four, and his sentence of death became final in May 2002. [Morris v. State](#), 811 So.2d 661, 664 (Fla. 2002). Thus, [Hurst](#) does not apply retroactively to Morris's sentence of death. *See Hitchcock*, 226 So.3d at 217. Accordingly, we affirm the denial of Morris's motion.

The Court having carefully considered all arguments raised by Morris, 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

--- So.3d ----, 2018 WL 563957 (Mem), 43 Fla. L. Weekly S45