

DOCKET No. _____

IN THE SUPREME COURT OF THE UNITED STATES

JEFFREY L. ATWATER,

Petitioner,

VS.

STATE OF FLORIDA,

Respondent.

**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, Jeffrey L. Atwater, 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. Atwater is an indigent death-sentenced inmate in the custody of the State of Florida. Mr. Atwater was convicted of murder in the Circuit Court of the Sixth Judicial Circuit in and for Pinellas County, Florida.
2. Undersigned counsel was appointed to represent Mr. Atwater in the Circuit Court of the Sixth Judicial of Florida and in the Supreme Court of Florida.
3. This case involves an appeal from the decision of the Supreme Court of Florida denying Mr. Atwater's Motion for Post-Conviction Relief pursuant to *Hurst v. Florida*, 136 S. Ct. 616 (2016).

4. Mr. Atwater will file a Petition for Writ of Certiorari in this Court.

5. On January 23, 2018, the Supreme Court of Florida issued an opinion denying Mr. Atwater's appeal of his Motion for Post-Conviction Relief. (Attachment A). Calculating the time for Mr. Atwater to file a Petition for Writ of Certiorari, the 90th day would fall on April 23, 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. The CCRC-M has represented Mr. Atwater since 2003. Counsel is uniquely qualified to draft the Petition for Certiorari based on experience representing Mr. Atwater in Florida courts.

8. CCRC-M has experienced a loss of attorneys based on recent resignations and retirements. As a result, 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.

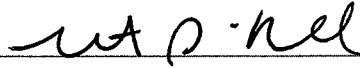
9. In addition, counsel has been addressing the implications of this Court's decision in *Hurst v. Florida*, 136 S. Ct. 616 (2016) and the Supreme Court of Florida's decisions that followed. Since the Supreme Court of Florida issued per curiam opinions *en masse* in early 2018 on the implications of *Hurst*, counsel is responsible for preparing petitions for certiorari in four cases simultaneously (*William Sweet v. Florida*, *Jeffrey L. Atwater v. Florida*, *Daniel Burns v. Florida*, and *Emanuel Johnson v. Florida*), in addition to carrying a full post-conviction case load.

10. Mr. Atwater 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,



Margaret S. Russell
Counsel of Record
Law Office of Capital Collateral Regional Counsel-
Middle Region
12973 N. Telecom Parkway
Temple Terrace, FL 33637
Tel: (813) 558-1600
Email: russell@ccmr.state.fl.us
Secondary Email: support@ccmr.state.fl.us

Mark S. Gruber
Law Office of Capital Collateral Regional Counsel-
Middle Region
12973 N. Telecom Parkway
Temple Terrace, FL 33637
Tel: (813) 558-1600
Email: gruber@ccmr.state.fl.us
Secondary Email: support@ccmr.state.fl.us

Julie Morley
Law Office of Capital Collateral Regional Counsel-
Middle Region
12973 N. Telecom Parkway
Temple Terrace, FL 33637
Tel: (813) 558-1600
Email: morley@ccmr.state.fl.us
Secondary Email: support@ccmr.state.fl.us

March 12, 2018

Dated