

DOCKET NO. \_\_\_\_\_

IN THE  
SUPREME COURT OF THE UNITED STATES

---

JAMES MILTON DAILEY

Petitioner,

vs.

STATE OF FLORIDA,

Respondent.

---

**UNOPPOSED APPLICATION FOR TWENTY (20) DAY EXTENSION OF TIME IN WHICH TO FILE PETITION FOR WRIT OF CERTIORARI TO THE FLORIDA SUPREME COURT**

COMES NOW THE PETITIONER, JAMES MILTON DAILEY, by and through undersigned counsel, and pursuant to Supreme Court Rule 13-5, respectfully requests an extension of time of twenty (20) days within which to file his Petition for Writ of Certiorari to the Florida Supreme Court. In support of his request, Petitioner, through counsel, states as follows:

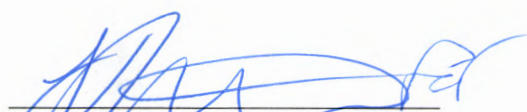
1. Petitioner is an indigent death-sentenced inmate in the custody of the State of Florida. Undersigned counsel represents Petitioner in his state collateral appeals.
2. This case involves an appeal from the decision of the Florida Supreme Court denying Mr. Dailey's Successive Motion to Vacate Judgment of Conviction and Sentence of Death after Death Warrant Signed pursuant to Florida Rule of Criminal Procedure 3.851.
3. This Court's jurisdiction rests on 28 U.S.C. §1257(a).

4. Petitioner was convicted of murder and sentenced to death in the Circuit Court of the Sixth Judicial Circuit in and for Pinellas County, Florida.
5. On September 25, 2019, Florida Governor Ron DeSantis signed Mr. Dailey's death warrant setting the date of his execution 43 days later: November 7, 2019.
6. On October 8, 2019, pursuant to the Florida Supreme Court's scheduling order, Mr. Dailey timely filed his Successive Motion to Vacate Judgment of Conviction and Sentence of Death after Death Warrant Signed in the Circuit Court in and for Pinellas County, Florida.
7. On October 23, 2019, pursuant to a Motion filed by his federal habeas counsel, the United States District Court for the Middle District of Florida granted a limited stay of execution. The district court stayed the imposition of the death penalty until December 30, 2019, at which time the stay would automatically dissolve.
8. A new execution date has not been set.
9. On November 12, 2019, the Florida Supreme Court denied Mr. Dailey's appeal of the denial of his successive motion for post-conviction relief. (Attachment A). A motion for rehearing was not filed. Petitioner's time to petition for certiorari in this Court expires on February 10, 2020.
10. Petitioner shows the following good cause in support of this request.
11. Petitioner's counsel, the undersigned, are employed by a state agency and have had a burdensome caseload since the final disposition of Petitioner's case in the Florida Supreme Court. Within the next thirty days, Petitioner's counsel is required to travel out of state on two separate weeklong trips for two different capital cases, and conduct multiple state circuit court hearings in this capital case. Moreover, Petitioner's counsel is in the middle

of contested intellectual disability proceedings regarding another client with a six day evidentiary scheduled to begin on March 23, 2020. As a result of all of the above, counsel have not been able to prepare a proper Petition for a Writ of Certiorari in Petitioner's case.

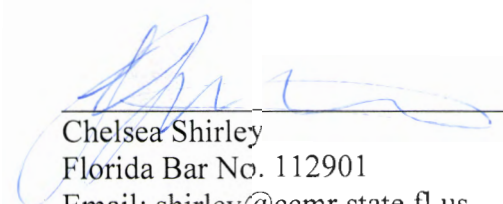
12. Counsel for the Respondent advised on January 21, 2020, that he does not oppose the relief sought herein.

WHEREFORE, Petitioner, through his undersigned counsel, respectfully requests an extension of time of twenty (20) days within which to file the Petition for Writ of Certiorari to the Florida Supreme Court in the above-styled case.



Chelsea Rae Shirley  
Florida Bar No. 112901  
Office of the Capital Collateral Regional Counsel –  
Middle Region  
12973 N. Telecom Parkway  
Temple Terrace, FL 33637  
Telephone: (813) 558-1600  
Facsimile: (813) 558-1601

I HEREBY CERTIFY that a true copy of the foregoing motion has been furnished to the Supreme Court of the United States via electronic service and UPS and furnished by United States Mail, first class postage prepaid, to all counsel of record on January 21, 2020.



Chelsea Shirley  
Florida Bar No. 112901  
Email: [shirley@ccmr.state.fl.us](mailto:shirley@ccmr.state.fl.us)  
*Counsel of Record*

**KARA R. OTTERVANGER**  
FLORIDA BAR NO. 112110

**JULISSA R. FONTAN**  
FLORIDA BAR NO. 0032744  
Office of the Capital Collateral Regional  
Counsel – Middle Region  
12973 N. Telecom Parkway  
Temple Terrace, FL 33637  
Telephone: (813) 558-1600  
Facsimile: (813) 558-1601

LAURA FERNANDEZ  
127 Wall Street  
New Haven, Connecticut 06511

CYD OPPENHEIMER  
155 West Rock Ave.  
New Haven, Connecticut 06515

SETH MILLER  
Innocence Project of Florida, Inc.  
1100 E Park Ave  
Tallahassee, Florida 32301-2651

JOSHUA DUBIN  
201 S Biscayne Blvd Ste 1210  
Miami, FL 33131-4316

Copies furnished to:

Stephen Ake & Timothy Freeland  
Assistant Attorney General  
Office of the Attorney General  
3507 E Frontage Rd Ste 200  
Tampa, FL 33607-7013

James Dailey  
DC#108509  
Florida State Prison  
P.O. Box 800  
Raiford, FL 32083