

DOCKET NO. _____

IN THE SUPREME COURT OF THE UNITED STATES

OCTOBER TERM, 2019

**RICHARD KNIGHT,
Petitioner,**

vs.

**STATE OF FLORIDA,
Respondent.**

**APPLICATION FOR A SIXTY-DAY EXTENSION OF TIME
IN WHICH TO FILE PETITION FOR WRIT OF CERTIORARI TO
THE ELEVENTH CIRCUIT COURT OF APPEALS**

CAPITAL CASE

To the Honorable Clarence Thomas, Associate Justice of the Supreme Court
of the United States and Circuit Justice for the Eleventh Circuit:

Petitioner RICHARD KNIGHT, by and through undersigned counsel, and
pursuant to 28 U.S.C. § 2101(d) and Rules 13.5 and 30.2 of this Court, respectfully
requests an extension of time of sixty (60) days to file a petition for writ of
certiorari to the Eleventh Circuit Court of Appeals, to and including April 20,
2020. Mr. Knight is a death-sentenced inmate in the custody of the State of Florida.

This Court has jurisdiction to review the decision of the Eleventh Circuit Court of Appeals under 28 U.S.C. § 1254 (1).

Mr. Knight was convicted of murder and sentenced to death in the Circuit Court of the Seventeenth Judicial Circuit in and for Broward County, Florida. This case involves the decision of the Eleventh Circuit Court of Appeals denying Mr. Knight's petition for a writ of habeas corpus. *See Knight v. Sec'y, Dep't. of Corrections*, 936 F.3d 1322 (11th Cir. 2019) (Attachment A).

Mr. Knight timely filed a petition for rehearing and/or petition for rehearing en banc with the Eleventh Circuit Court of Appeals, which was denied by order dated November 20, 2019 (Attachment B).

Mr. Knight's time to petition for certiorari in this Court regarding the Eleventh Circuit Court of Appeal's denial of relief expires on February 18, 2020. This application for a sixty (60) day extension is being filed more than ten (10) days before that date. Undersigned counsel shows the following good cause in support of this request.

Mr. Knight's counsel is an Assistant CCRC at Capital Collateral Regional Counsel-South (CCRC-South), a Florida state agency charged with the responsibility of representing indigent death row inmates. As Assistant CCRC, undersigned counsel is responsible for the oversight of his own case load at CCRC-South as well as oversight of his own independent client case load outside of the

office. In recent weeks, for example, counsel has, *inter alia*, researched, prepared, and filed several pleadings in federal district court capital cases, is researching and drafting a brief to be filed in the Supreme Court of Florida in another Florida capital case, and is working on a reply to the government's answer to a §2255 petition in a multi-count case where the defendant is currently serving life imprisonment. The CCRC-South office in Fort Lauderdale, Florida, is also currently undergoing another move and the files and boxes of clients' cases are inaccessible until the move is completed in the coming week. The computer servers have also been intermittently down due to the move of all of the office computer systems.

Given undersigned counsel's duties as Assistant CCRC, as well as his responsibilities in his own individual cases and the other reasons set forth above, counsel has not been able to prepare a proper petition for writ of certiorari in Mr. Knight's case.

Wherefore, Mr. Knight respectfully requests that an order be entered extending his time to petition for certiorari to and including April 20, 2018.¹

¹ Sixty day from February 18, 2020, falls on April 18, 2020, a Saturday. Thus, the due date with the additional 60-day extension would be the following Monday, April 20, 2020.

Respectfully submitted,



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COUNSEL FOR MR. KNIGHT

CERTIFICATE OF SERVICE

I, Todd G. Scher, counsel for petitioner and a member of the Bar of this Court, certify that I mailed a copy of this application to Assistant Attorney General Lisa-Marie Lerner at the Office of the Attorney General, 1515 N Flagler Drive, Suite 900, West Palm Beach, FL 33401, on February 7, 2020. I further certify that all parties required to be served have been served.



TODD G. SCHER

Assistant CCRC

Florida Bar No. 0899641