

DOCKET NO. _____

IN THE SUPREME COURT OF THE UNITED STATES

OCTOBER TERM 2023

LAMAR Z. BROOKS,

Petitioner,

v.

SECRETARY, FLORIDA DEPARTMENT OF CORRECTIONS,
ATTORNEY GENERAL

Respondents.

**APPLICATION FOR SIXTY (60) DAY EXTENSION OF TIME IN WHICH
TO FILE PETITION FOR WRIT OF CERTIORARI TO THE UNITED
STATES COURT OF APPEALS FOR THE ELEVENTH CIRCUIT**

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

COMES NOW the Petitioner, Lamar Z. Brooks, by and through undersigned counsel, and pursuant to Supreme Court Rule 13.5, respectfully requests an extension of time of sixty (60) days within which to file his Petition for Writ of Certiorari to the United States Court of Appeals for the Eleventh Circuit. Petitioner requests that the Court extend the deadline to Sunday, August 18, 2024. In support of his request, Petitioner, through counsel, states the following:

1. Petitioner is a life-sentenced inmate in the custody of the State of Florida. This case involves an appeal from an order of the United States Court of Appeals for the Eleventh Circuit denying a Certificate of Appealability sought by Petitioner from the denial by the district court of his petition for habeas corpus relief

pursuant to 28 U.S.C. § 2254.

2. This Court's jurisdiction rests on 28 U.S.C. § 1254.

3. Petitioner was convicted of two murders and sentenced to death in Oskaloosa County, Florida. Petitioner was re-sentenced to life on August 27, 2019, after obtaining penalty phase relief based on this Court's decision in *Hurst v. Florida*, 577 U.S. 92 (2016).

4. On January 11, 2024, Petitioner's application for a Certificate of Appealability was denied by the Eleventh Circuit (Attachment A). A timely motion for reconsideration was filed and on March 21, 2024, the court denied the motion for reconsideration (Attachment B). Petitioner's time to petition for certiorari in this Court expires June 19, 2024.

5. Petitioner has good cause in support of this request, which is based on counsel's commitments in other cases and matters in the weeks immediately preceding the June 19, 2024, deadline, as well as the complexity of the record and issues at bar. In preparing Petitioner's petition, it became clear to the undersigned that additional time is needed to effectively present Petitioner's arguments. The issues in this petition are factually and legally complex, warranting 60 additional days to prepare.

WHEREFORE, Petitioner, through his undersigned counsel, respectfully requests an extension of time of sixty (60) days within which to file the Petition for Writ of Certiorari to the United States Court of Appeals for the Eleventh Circuit on the above-styled case.

I HEREBY CERTIFY that a true copy of the foregoing motion has been furnished by United States mail, first-class postage prepaid, to all counsel of record on June 6, 2024.

Respectfully submitted,

/s/ LINDA McDERMOTT

LINDA McDERMOTT

Counsel of Record

JOHN ABATECOLA

Office of the Federal Public Defender

Northern District of Florida

Capital Habeas Unit

227 N. Bronough St., Suite 4200

Tallahassee, Florida 32301

(850) 942-8818

linda_mcdermott@fd.org

john_abatecola@fd.org

Attorneys for Lamar Z. Brooks