

DOCKET NO. _____

In The Supreme Court Of The United States

DANIEL OWEN CONAHAN, JR.,

Petitioner,

vs.

**SECRETARY, DEPARTMENT OF CORRECTIONS
AND FLORIDA ATTORNEY GENERAL,**

Respondent.

**On Petition For A Writ Of Certiorari To
The United States Court Of Appeals For The Eleventh Circuit**

**Application For A Sixty-Day Extension Of Time
In Which To File Petition For Writ Of Certiorari To
The Eleventh Circuit of the United States Court of Appeals**

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

Petitioner, DANIEL OWEN CONAHAN, JR., 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 of the United States Court of Appeals, to and including January 17, 2025.

Mr. Conahan 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 under 28 U.S.C. § 1254(1).

Mr. Conahan was convicted of first-degree murder and sentenced to death in the Circuit Court of the Twentieth Judicial Circuit in and for Charlotte County, Florida. Mr. Conahan is seeking certiorari from the United States Court of Appeals for the Eleventh Circuit's denial of Mr. Conahan's application for a certificate of appealability and his Motion for Reconsideration of the May 31, 2024 Order Denying Motion for Certificate of Appealability entered on August 20, 2024. ("Attachment A"). Mr. Conahan sought leave to appeal the district court's denial of his claims that his death sentence is unconstitutional under the Sixth, Eighth, and Fourteenth Amendments of the United State Constitution in light of the Court's holdings in *Brady v. Maryland*, 373 U.S. 83 (1963), *Giglio v. United States*, 405 U.S. 150 (1972), and *Strickland v. Washington*, 466 U.S. 668 (1984). *See Conahan v. Secretary, Department of Corrections, et al*, No. 24-10844 (11th Cir. Aug. 20, 2024)

Mr. Conahan's time to petition for certiorari in this Court regarding the Eleventh Circuit's decision expires on November 18, 2024. This application for a sixty-day extension is being filed more than ten days before that date. Undersigned counsel shows the following good cause in support of this request.

Mr. Conahan is represented by the Office of the Capital Collateral Regional Counsel-South (CCRC-South), a Florida state agency charged with the responsibility of representing indigent death row inmates. Undersigned counsel is assigned lead counsel for Mr. Conahan's postconviction matters and carries a

significant caseload of capital postconviction cases and non-capital appellate and postconviction cases.

Counsel's ability to prepare a petition for certiorari on this case has been severely hindered due to the impact of Hurricanes Helene and Milton, two Major Hurricanes¹ that made landfall in Florida in late September and early October respectively. Tampa residents were severely impacted by both Hurricane Helene and Milton.

Although counsel was not required to evacuate from Hurricane Helene when it skirted up the west coast of Florida on September 27, 2024 ², counsel was without power for approximately four days following the storm. Helene caused widespread catastrophic flooding in neighborhoods a few blocks from counsel's home due to storm surge, although counsel's home did not flood.

Ten days later, on October 7, 2024, another hurricane was bearing down and counsel was under mandatory evacuation orders. Counsel evacuated Tampa on October 7, 2024 to escape Hurricane Milton, which at one point was a Category Five hurricane. Milton devastated Tampa, causing widespread flooding, wind damage to property, and extended and widespread power outages. While counsel was eventually able to return to her home, she remained without power or internet for approximately one week and had to manage tasks associated with repair after evacuating from a hurricane. While her home was habitable and suffered only slight

¹ A "Major Hurricane" is defined as reaching a Category Three or higher.

² Counsel resides in a mandatory evacuation zone (Zone B) in Tampa, Florida.

damage, her neighborhood was severely damaged, with trees and power lines laying in the street or on the roofs of houses. Indeed, as of the filing of this motion, debris remains on her street and the community is not yet back to normal.

Further, Counsel has a federal sentencing scheduled in December, which requires substantial preparation. Counsel also has appellate briefing due in the Eleventh Circuit of the United States Court of Appeals, due in December as well.

Co-counsel has a four-day capital postconviction hearing beginning November 18th. Preparation requires substantial field investigation and travel. Co-counsel is also preparing for a second evidentiary hearing scheduled mid-December.

Due to undersigned counsel's heavy caseload and the impact of the back-to-back major hurricanes, and co-counsel's caseload and upcoming hearings, counsel have not been able to prepare a proper petition for writ of certiorari in Mr. Conahan's case. If the sixty-day extension of time is granted, counsel's intention is to file a petition for certiorari on or before January 17, 2025.

Wherefore, Mr. Conahan respectfully requests that an order be entered extending his time to petition for certiorari to and including January 17, 2025.

Respectfully submitted,

/s/ Marie-Louise Samuels Parmer
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ATTACHMENT A

