

DOCKET NO. _____
IN THE
SUPREME COURT OF THE UNITED STATES
OCTOBER TERM, 2017

SAMUEL JASON DERRICK,

Petitioner,

vs.

STATE OF FLORIDA

Respondent.

APPLICATION FOR SIXTY (60) DAY EXTENSION OF TIME IN WHICH
TO FILE PETITION FOR WRIT OF CERTIORARI TO THE
FLORIDA SUPREME COURT

COMES NOW, the Petitioner, **SAMUEL JASON DERRICK**, 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 Florida Supreme Court. In support of his request, Petitioner, through counsel, states as follows:

1. Petitioner is a death-sentenced inmate in the custody of the State of Florida. This case involves an appeal from the decision of the Florida Supreme Court affirming the denial of postconviction relief as to several constitutional claims.

2. This Court's jurisdiction rests on 28 U.S.C. §1257.
3. Petitioner was convicted of murder and sentenced to death in the circuit court of the Sixth Circuit in and for Pasco County, Florida.
4. On February 2, 2018, Petitioner's appeal was denied by the Florida Supreme Court (Attachment A). A timely motion for rehearing was stricken on February 23, 2018 (Attachment B). Petitioner's time to petition for certiorari in this Court expires May 3, 2018.
5. Petitioner shows the following good cause in support of this request.
6. Petitioner's counsel, who is *pro bono* counsel, has had a burdensome caseload since the final disposition of Petitioner's case in the Florida Supreme Court. In the past three months, counsel has been working on several capital cases and has been required to file three petitions for writ of certiorari to this Court; a motion for rehearing to the Eleventh Circuit Court of Appeals; a reply to a response to a petition for writ of habeas corpus in the federal district court; and three initial briefs, two reply briefs, fifteen motions for rehearing and two responses to orders to show cause in the Florida Supreme Court. As a result, counsel has not been able to prepare a proper petition for a writ of certiorari in Petitioner's case.

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 Florida Supreme Court in 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 April 20, 2018.

/s/. Linda McDermott

LINDA McDERMOTT
Florida Bar No. 0102857
McClain & McDermott, P.A.
20301 Grande Oak Blvd.
Suite 118 - 61
Estero, FL 33928
Tel: (850) 322-2172
Fax: (954) 564-5412
lindammcdermott@msn.com

Attorney for Petitioner