

DOCKET NO. _____
IN THE
SUPREME COURT OF THE UNITED STATES
OCTOBER TERM, 2018

EDWARD J. ZAKRZEWSKI, II,

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, **EDWARD J. ZAKRZEWSKI, II**, 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, Mr. Zakrzewski, through counsel, states as follows:

1. Mr. Zakrzewski 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.

2. This Court's jurisdiction to hear Mr. Zakrzewski's petition rests on 28 U.S.C. §1257.

3. Mr. Zakrzewski was convicted of murder and sentenced to death by the circuit court of the First Judicial Circuit in and for Okaloosa County, Florida.

4. On September 20, 2018, the Florida Supreme Court affirmed the circuit court's denial of Mr. Zakrzewski's motion for post conviction relief (Attachment A). Petitioner's time to file a petition for a writ certiorari with this Court expires December 19, 2018. But due to circumstances beyond his control, Mr. Zakrzewski has to ask for a 60 day extension of his time to file his petition.

5. Mr. Zakrzewski shows the following good cause in support of this request.

6. Mr. Zakrzewski's counsel, who is court appointed registry counsel and has been Mr. Zakrzewski's court-appointed registry counsel since 2006, has had a particularly burdensome caseload since the final disposition of Mr. Zakrzewski's case in the Florida Supreme Court. On November 15, 2018, Governor Rick Scott re-scheduled the execution of Jose Jimenez for December 13, 2018. Undersigned was court appointed registry counsel for Mr. Jimenez and under Florida law had to prioritize Mr. Jimenez's case. As a result of the re-scheduling of Mr. Jimenez's execution, counsel had to spend virtually all of his time in the three weeks led up to Mr. Jimenez's execution litigating Mr. Jimenez's constitutional claims. After the December 13, Petitioner's counsel was physical exhausted and unable to work on Mr. Zakrzewski's petition for a writ of certiorari.

7. In addition, undersigned will have to meet as soon as he can with his members of his family in Illinois in order help with health care decisions regarding his 94 year old mother whose health is declining.

8. Because of the warrant litigation and his familial obligations, counsel has been unable to prepare a proper petition for a writ of certiorari in Mr. Zakrzewski's case and must ask for an extension of time in which he can ask this Court for a writ of certiorari to the Florida Supreme Court in order to review that court's constitutional rulings when it affirmed the circuit court's denial of Mr. Zakrzewski's motion for collateral relief.

WHEREFORE, Mr. Zakrzewski, through undersigned counsel, 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.

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 December 17, 2018.

/s/. Martin J. McClain

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