

No. _____

IN THE SUPREME COURT OF THE UNITED STATES

DIRK WILLIAMS,

Petitioner,

v.

JULIE JONES,

SECRETARY, FLORIDA DEPARTMENT OF CORRECTIONS,

Respondent.

ON PETITION FOR WRIT OF CERTIORARI TO THE ELEVENTH CIRCUIT
COURT OF APPEALS

APPLICATION FOR EXTENSION OF TIME TO FILE PETITION FOR WRIT OF
CERTIORARI

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Counsel for the Petitioner

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

Introduction

Pursuant to this Court's Rule 13.5, the Petitioner, Dirk Williams, respectfully requests a thirty-day extension of time within which to file a petition for a writ of certiorari in this Court, to and including January 25, 2019.

Jurisdiction

The opinion/order of the Eleventh Circuit Court of Appeals denying a certificate of appealability was entered on August 6, 2018. The motion for reconsideration/rehearing was denied on September 26, 2018. Unless extended, the time within which to file a petition for a writ of certiorari would expire on December 26, 2018.

The jurisdiction of this Court is invoked under 28 U.S.C. § 1254(1). Copies of the opinion/order of the Eleventh Circuit Court of Appeals and the order denying rehearing/reconsideration are included in the appendix to this motion.

Argument

The issue in this case is whether the court of appeals improperly denied the Petitioner a certificate of appealability under 28 U.S.C. § 2253(c) on the ineffective assistance of counsel claim raised in the Petitioner's 28 U.S.C. § 2254 petition. In his § 2254 petition, the Petitioner alleged that his defense counsel failed to present the testimony of a toxicologist at trial to refute the prosecution's contention that the

alleged victim was “physically helpless.” As a result, the Petitioner asserted that defense counsel interfered with the Petitioner’s right to effective assistance of counsel.

Unfortunately undersigned counsel’s recent schedule requires him to seek an extension of time in this case. In particular, in the last two weeks, in addition to filing numerous briefs and pleadings, undersigned counsel has participated in two oral arguments before Florida appellate courts and two postconviction evidentiary hearings before Florida circuit courts – an unusually high number for undersigned counsel to attend within a two-week period.¹ Additionally, in the next two weeks, undersigned counsel will be out of his office attending two additional oral arguments (one before the Eleventh Circuit Court of Appeals and one before a Florida appellate court) and two additional postconviction evidentiary hearings.

Therefore, the Petitioner requests an extension of thirty days to file the petition for a writ of certiorari. No party will be prejudiced by the granting of a thirty-day extension in this case.

¹ Undersigned counsel has appeared at the following oral arguments: (1) *Clarke v. State*, case number 5D16-1986, pending before the Florida Fifth District Court of Appeal; and, (2) *Cammalleri v. State*, case number 4D16-3518, pending before the Florida Fourth District Court of Appeal. Undersigned counsel has also appeared at the following postconviction evidentiary hearings: (1) *State v. Thorpe*, case number 2012-CF-1190, pending before the Florida Second Judicial Circuit Court (Leon County); and, (2) *State v. Davis*, case number 2014-CF-14569, pending before the Florida Twelfth Judicial Circuit Court (Sarasota County).

Accordingly, the Petitioner respectfully requests that an order be entered extending the time to petition for writ of certiorari by thirty days.

Respectfully submitted,

/s/ Michael Ufferman

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CERTIFICATE OF SERVICE

I, Michael Ufferman, a member of the Bar of this Court, hereby certify that on the 10th day of December, 2018, a copy of this Application For Extension of Time To File A Petition For A Writ Of Certiorari in the above-entitled case was mailed, first class postage prepaid, to Assistant Attorney General Bonnie Jean Parrish, Office of the Attorney General, 444 Seabreeze Boulevard, Fifth Floor, Daytona Beach, Florida 32118 (counsel for the Respondent herein). I further certify that all parties required to be served have been served.

/s/ Michael Ufferman

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