

No. \_\_\_\_\_

IN THE SUPREME COURT OF THE UNITED STATES  
OCTOBER TERM, 2018

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MICHAEL DUANE ZACK, III, APPLICANT

v.

STATE OF FLORIDA, RESPONDENT

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**APPLICATION FOR AN EXTENSION OF TIME TO FILE A PETITION FOR  
A WRIT OF CERTIORARI TO THE SUPREME COURT OF FLORIDA**

**DEATH PENALTY CASE**

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DIRECTED TO THE HONORABLE CLARENCE THOMAS, ASSOCIATE  
JUSTICE OF THE SUPREME COURT OF THE UNITED STATES AND CIRCUIT  
JUSTICE FOR THE ELEVENTH CIRCUIT

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December 6, 2018

**APPLICATION FOR AN EXTENSION OF TIME TO FILE A PETITION FOR  
A WRIT OF CERTIORARI TO THE SUPREME COURT OF FLORIDA**

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

Petitioner Michael Duane Zack, III, respectfully requests, pursuant to Rule 13(5) of the Rules of this Court, for an extension of time of 45 days, to and including February 18, 2019 for the filing of a petition for a writ of certiorari to review the decision of the Florida Supreme Court dated October 4, 2018 (Exhibit 1). This Court has jurisdiction to grant a writ of certiorari under 28 U.S.C. § 1257(a).

1. The date within which a petition for a writ of certiorari would be due, if not extended, is January 2, 2019. This application is being filed more than 10 days before that date.

2. The Office of the Capital Collateral Regional Counsel –Northern Region (“CCRC-N”) was appointed by the trial court to represent Petitioner and will file the certiorari petition. This request for an extension of time is based on good cause.

3. Undersigned counsel have multiple evidentiary hearings, oral arguments, and Florida Supreme Court briefs due in the next couple of months including the following:

- Evidentiary Hearing in the case of Kim Jackson in Jacksonville, Florida, scheduled for the week of December 17, 2018.

- Evidentiary Hearing in the case of Tina Brown in Pensacola, Florida, scheduled for January 29, 2019.
- Oral Arguments in the case of Johnny Calhoun before the Florida Supreme Court scheduled for February 7, 2019.
- Florida Supreme Court reply briefs on both an initial brief and habeas in the case of Arthur Martin due February 4, 2019.
- Florida Supreme Court initial brief and habeas in the case of David Sparre due on March 11, 2019.

Evidentiary hearings, oral arguments, and Florida Supreme Court briefs take an enormous amount of preparation and the undersigned are obligated to direct all time and resources to toward these deadlines and hearings.

4. A 45-day extension of time is reasonable in Petitioner's case to allow CCRC-N to research, coordinate, and present the instant petition in a professional manner. CCRC-N is not seeking 60 days, but 45—a shorter time than the rule allows.

5. CCRC-N emailed opposing counsel at the Florida Attorney General's Office regarding this extension, but had not received a response as of the filing of this Application.

Petitioner respectfully requests that the Court grant this request.

For the foregoing reasons, petitioner hereby requests that an extension of time to and including February 18, 2019, be granted within which petitioner may file a petition for a writ of certiorari.

Respectfully submitted,



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