

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

MICHAEL T. RIVERA,

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, **MICHAEL T. RIVERA**, 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. Rivera, through counsel, states as follows:

1. Mr. Rivera 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. Rivera's petition rests on 28 U.S.C. §1257.

3. Mr. Rivera was convicted of murder and sentenced to death by the circuit court of the Seventeenth Judicial Circuit in and for Broward County, Florida.

4. On December 20, 2018, the Florida Supreme Court affirmed the circuit court's denial of Mr. Rivera's motion for post conviction relief. *Rivera v. State*, 260 So.3d 920 (Fla. 2018). A copy of the opinion is attached to this application. Mr. Rivera's time to file a petition for a writ certiorari with this Court expires March 20, 2019. But due to circumstances beyond his control, Mr. Rivera has to ask for a 60 day extension of his time to file his petition.

5. Mr. Rivera notes the following good cause for this request for a 60 day extension time to file the petition for writ of certiorari. Mr. Rivera's counsel works part-time with the Office of the Capital Collateral Regional Counsel for the Southern Region of Florida (CCRC-South), and it is through the employment that he currently represents Mr. Rivera in both state and federal court. Besides his part-time employment with CCRC-South, counsel is part of a two person law firm (McClain & McDermott, P.A.) that focuses on providing capital collateral representation in the State of Florida. Through the law firm, Mr. Rivera's counsel has been appointed as state court registry counsel in a number of capital cases, and he has been appointed as CJA counsel for purposes of representing death sentence inmates federal habeas challenges their death sentences. During the past several

weeks he has had major pleadings due in five different cases. These pleadings included to two petitions for writs certiorari filed with this Court. One supplemental motion to vacate in state circuit court. One reply to an answer to federal habeas petition that counsel is still endeavoring to finish. These obligations are in addition to preparation of Mr. Rivera's petition for writ of certiorari, as well as a number for status hearings in ongoing litigation in other cases. As a result, counsel has been unable to prepare a proper petition for a writ of certiorari in Mr. Rivera's case .

6. Because of the burdensome schedule that his counsel faces, Mr. Rivera must ask for an extension of time in which he can petition this Court to issue a writ of certiorari to the Florida Supreme Court so that it may review that court's constitutional rulings when it affirmed the circuit court's denial of Mr. Rivera's motion for collateral relief.

WHEREFORE, Mr. Rivera, 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 March 12, 2018.

/s/. Martin J. McClain

*MARTIN J. McCLAIN

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