

**SUPREME COURT OF THE UNITED STATES
OFFICE OF THE CLERK**

**PHARES SYLINCE,
Petitioner,**

v.

Case No.: 502005 CF 001981A

**STATE OF FLORIDA,
Respondent.**

MOTION FOR OUT-OF-TIME FILING

COMES NOW, the Petitioner, Phares Sylince in propria persona, pursuant to the Honorable Clerk of the Court's instruction and hereby respectfully request that the Petition for Writ of Certiorari be filed out-of-time due to the following circumstance:

1. Petitioner originally filed a Petition for Writ of Certiorari in this Honorable Court on May 9, 2018. Then, he refiled it on June 22, 2018 to include documents ordered by this Honorable Court.
2. On July 5, 2018, the Honorable Clerk returned the Petition due to its apparent untimeliness.
3. On August 3, 2018, Petitioner filed motion to alter and amend Judgment stating that he was calculating the deadline as of the issuance of the mandate in lieu

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of the decision which denied the timely filed rehearing motion on January 17, 2018.

4. On August 22, 2018, Petitioner was instructed by the Clerk of the Court that if he wishes, he may resubmit his Petition with the motion sub judice. I.e., this Motion for Out-Of-Time Filing.

5. This motion is respectfully submitted to express Petitioner's wish that the Honorable Clerk accepts this motion and the attached petition as direction for the reinstatement of the days lost in Petitioner's mistaken calculation of the ninety (90) days during which to file such petition. That is, Petitioner prays that the Honorable Clerk of the Court accepts the Petition as timely filed in the interest of the Justice sought therein.

CONCLUSION

WHEREFORE, based on the foregoing circumstances, the pro se Petitioner, in this case, respectfully and humbly prays that this Honorable Court accepts this resubmitted out-of-time filing as timely.

Respectfully Submitted,

/s/ Syline Phares

Phares Syline, Petitioner pro se
Okeechobee Correctional Institution
3420 N.E. 168th Street
Okeechobee Fla. 34972

M A N D A T E

from

DISTRICT COURT OF APPEAL OF THE STATE OF FLORIDA FOURTH DISTRICT

This cause having been brought to the Court by appeal, and after due consideration the Court having issued its opinion;

YOU ARE HEREBY COMMANDED that such further proceedings be had in said cause as may be in accordance with the opinion of this Court, and with the rules of procedure and laws of the State of Florida.

WITNESS the Honorable Jonathan D. Gerber, Chief Judge of the District Court of Appeal of the State of Florida, Fourth District, and seal of the said Court at West Palm Beach, Florida on this day.

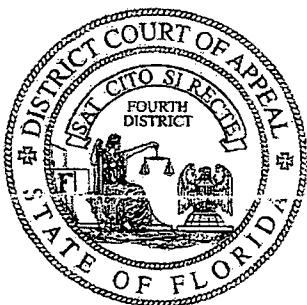
DATE: February 09, 2018

CASE NO.: 17-3081

COUNTY OF ORIGIN: Palm Beach

T.C. CASE NO.: 2005CF001981A

STYLE: PHARES SYLINCE v. STATE OF FLORIDA



Lonn Weissblum

LONN WEISSBLUM, Clerk
Fourth District Court of Appeal

Served:

cc: Attorney General-W.P.B. Phares Sylince State Attorney-P.B.
Clerk Palm Beach

DISTRICT COURT OF APPEAL OF THE STATE OF FLORIDA
FOURTH DISTRICT

PHARES SYLINCE,
Appellant,

v.

STATE OF FLORIDA,
Appellee.

No. 4D17-3081

[December 7, 2017]

Appeal of order denying rule 3.800 motion from the Circuit Court for the Fifteenth Judicial Circuit, Palm Beach County; Samantha Schosberg Feuer, Judge; L.T. Case No. 2005CF001981A.

Phares Sylince, Okeechobee, pro se.

No appearance required for appellee.

PER CURIAM.

Affirmed.

GROSS, TAYLOR and KLINGENSMITH, JJ., concur.

* * *

Not final until disposition of timely filed motion for rehearing.

IN THE DISTRICT COURT OF APPEAL OF THE STATE OF FLORIDA
FOURTH DISTRICT, 110 SOUTH TAMARIND AVENUE, WEST PALM BEACH, FL 33401

January 17, 2018

CASE NO.: 4D17-3081
L.T. No.: 2005CF001981A

PHARES SYLINC

v. STATE OF FLORIDA

Appellant / Petitioner(s)

Appellee / Respondent(s)

BY ORDER OF THE COURT:

ORDERED that the appellant's December 22, 2017 motion for rehearing is denied.

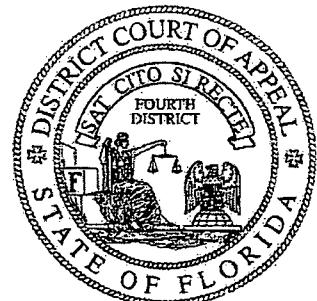
Served:

cc: Attorney General-W.P.B. Phares Sylince

||

Lonn Weissblum

LONN WEISSBLUM, Clerk
Fourth District Court of Appeal



**Additional material
from this filing is
available in the
Clerk's Office.**