

No. _____

IN THE SUPREME COURT OF THE UNITED STATES

ROBERT A. KOROLY,

Petitioner,

v.

STATE OF FLORIDA,

Respondent.

**ON PETITION FOR WRIT OF CERTIORARI TO THE FLORIDA FIRST
DISTRICT COURT OF APPEAL**

**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, Robert A. Koroly, respectfully requests a sixty-day extension of time within which to file a petition for a writ of certiorari in this Court, to and including October 28, 2019.

Jurisdiction

The opinion of the Florida First District Court of Appeal affirming the denial of the Petitioner's state postconviction motion was entered on August 16, 2018. The motion for rehearing was denied on December 5, 2018. The opinion/order of the Supreme Court of Florida denying jurisdiction was entered on May 30, 2019. Unless extended, the time within which to file a petition for a writ of certiorari would expire on August 28, 2019.

The jurisdiction of this Court is invoked under 28 U.S.C. § 1257. Copies of the order of the Supreme Court of Florida and the opinions/orders of the Florida First District Court of Appeal are included in the appendix to this motion.

Argument

The issue in this case is whether the state court improperly denied the Petitioner's postconviction ineffective assistance of counsel claim. In his postconviction motion, the Petitioner alleged that his defense counsel was ineffective (in violation of

the Sixth Amendment to the Constitution) for failing to retain an accident reconstruction expert to conduct a full reconstruction analysis.

Unfortunately undersigned counsel's schedule requires him to seek an extension of time in this case. In particular, during the months of August and September 2019, undersigned counsel will be out of his office for one week traveling with his family, will be lecturing at a continuing legal education seminar, and will be attending four postconviction evidentiary hearings before Florida circuit courts.¹ Additionally, since the order of the Supreme Court of Florida denying jurisdiction was entered, undersigned counsel has participated in one postconviction evidentiary hearing before a Florida circuit court, one oral argument before a Florida appellate court, one postconviction evidentiary hearing before the United States District Court for the Middle District of Tennessee, attended the Annual Meeting of the Florida Association of Criminal Defense Lawyers and the Annual Convention of The Florida Bar, and was out of the country for one week traveling with his family.

¹ Undersigned counsel will be out of his office on August 5 to August 9, 2019. Undersigned counsel will also appear at the postconviction evidentiary hearing on August 14, 2019, in *State v. Botto*, case number 2012-CF-8897, pending before the Florida Ninth Judicial Circuit Court (Orange County); at the postconviction evidentiary hearing on August 27, 2019, in *State v. DeCoursey*, case number 2012-CF-77, pending before the Florida Second Judicial Circuit Court (Franklin County); at the postconviction evidentiary hearing on September 6, 2019, in *State v. Lewis*, case number 2013-CF-8334, pending before the Florida Tenth Judicial Circuit Court (Polk County); and at the postconviction evidentiary hearing on September 19, 2019, in *State v. Lambert*, case number 2007-CF-6925, pending before the Florida Twelfth Judicial Circuit Court (Sarasota County).

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

Accordingly, the Petitioner respectfully requests that an order be entered extending the time to petition for writ of certiorari by sixty 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 30th day of July, 2019, 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 Office of the Attorney General, PL-01, The Capitol, Tallahassee, Florida 32333-1050 (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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