

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

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**IN THE SUPREME COURT OF THE UNITED STATES**

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BLAKE CLINTON TALMAN,

*Petitioner,*

v.

STATE OF FLORIDA,

*Respondent.*

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

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**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, Blake Clinton Talman, 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 September 9, 2019.

### **Jurisdiction**

The opinion/order of the Florida Second District Court of Appeal affirming the denial of the Petitioner's state postconviction motion was entered on March 1, 2019. The motion for rehearing was denied on April 12, 2019. Unless extended, the time within which to file a petition for a writ of certiorari would expire on July 11, 2019.

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

### **Argument**

The issue in this case is whether the court of appeal improperly denied the Petitioner's claims that the postconviction court erred by denying his postconviction claims. In his postconviction motion, the Petitioner alleged that his defense counsel was ineffective for 1) failing to properly advise him that he had a valid defense to the DUI with serious bodily injury count; 2) failing to consult with an accident reconstruction expert and failing to advise the Petitioner regarding available defenses

in this case; 3) failing to move to suppress the blood test results in this case; 4) improperly coercing the Petitioner to accept the State's plea offer rather than enter an open plea; 5) failing to correct the errors on the sentencing scoresheet; and 6) failing to advise the Petitioner regarding an available defense. As a result, the Petitioner asserted that defense counsel interfered with the Petitioner's right to effective assistance of counsel.

Unfortunately undersigned counsel's schedule requires him to seek an extension of time in this case. In particular, during the months of July and August, undersigned counsel will be out of his office for two weeks traveling with his family.<sup>1</sup> Undersigned counsel will also be lecturing at a continuing legal education seminar, attending one oral argument scheduled before a Florida appellate court, and attending two postconviction evidentiary hearings before a Florida circuit court.<sup>2</sup> Additionally, since the order of the Florida Second District Court of Appeal denying the motion for rehearing was entered, undersigned counsel has participated in two postconviction

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<sup>1</sup> Undersigned counsel will be out of his office on July 22 to July 26, 2019, and August 5 to August 9, 2019.

<sup>2</sup> Undersigned counsel will be lecturing at a continuing legal education seminar on August 1 and 2, 2019. Undersigned counsel is scheduled to appear on July 16, 2019, at an oral argument for *Steel v. State*, case number 1D18-4881, pending before the Florida First District Court of Appeal. 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); and 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).

evidentiary hearings before a Florida circuit court, four oral arguments before Florida appellate courts, one postconviction evidentiary hearing before the United States District Court for the Middle District of Tennessee, and attended the Annual Meeting of the Florida Association of Criminal Defense Lawyers and the Annual Convention of The Florida Bar.

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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Counsel for the Petitioner

## CERTIFICATE OF SERVICE

I, Michael Ufferman, a member of the Bar of this Court, hereby certify that on the 26th day of June, 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 Assistant Attorney General David Campbell, Office of the Attorney General, 3507 East Frontage Road, Suite 200, Tampa, Florida 33607 (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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Counsel for the Petitioner

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**ON PETITION FOR WRIT OF CERTIORARI TO THE FLORIDA SECOND  
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**APPENDIX TO APPLICATION FOR EXTENSION OF TIME TO FILE PETITION  
FOR WRIT OF CERTIORARI**

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NOT FINAL UNTIL TIME EXPIRES TO FILE REHEARING  
MOTION AND, IF FILED, DETERMINED

IN THE DISTRICT COURT OF APPEAL  
OF FLORIDA  
SECOND DISTRICT

BLAKE CLINTON TALMAN, )  
Appellant, )  
v. ) Case No. 2D17-3110  
STATE OF FLORIDA, )  
Appellee. )  
\_\_\_\_\_  
)

Opinion filed March 1, 2019.

Appeal from the Circuit Court for Sarasota  
County; Charles E. Roberts, Judge.

Michael Ufferman of Michael Ufferman  
Law Firm, P.A., Tallahassee, for Appellant.

Ashley Moody, Attorney General,  
Tallahassee, and David Campbell,  
Assistant Attorney General, Tampa, for  
Appellee.

PER CURIAM.

Affirmed.

SILBERMAN, SALARIO, and BADALAMENTI, JJ., Concur.

**IN THE DISTRICT COURT OF APPEAL OF THE STATE OF FLORIDA  
SECOND DISTRICT, POST OFFICE BOX 327, LAKELAND, FL 33802-0327**

April 12, 2019

**CASE NO.: 2D17-3110  
L.T. No.: 12-CF-354**

BLAKE CLINTON TALMAN

v. STATE OF FLORIDA

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Appellant / Petitioner(s),

Appellee / Respondent(s).

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**BY ORDER OF THE COURT:**

Appellant's motion for rehearing and issuance of a written opinion is denied.

I HEREBY CERTIFY that the foregoing is a true copy of the original court order.

Served:

Michael Robert  
Ufferman, Esq.

David Campbell, A.A.G.

Blake Clinton Talman  
Karen E. Rushing, Clerk

mep

Mary Elizabeth Kuenzel

Mary Elizabeth Kuenzel  
Clerk

