

No. _____

IN THE SUPREME COURT OF THE UNITED STATES

GILBERTO MULGADO,

Petitioner,

v.

STATE OF FLORIDA,

Respondent.

**ON PETITION FOR WRIT OF CERTIORARI TO THE FLORIDA SECOND
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, Gilberto Mulgado, respectfully requests a thirty-day extension of time within which to file a petition for a writ of certiorari in this Court, to and including February 25, 2022.

Jurisdiction

The opinion of the Florida Second District Court of Appeal affirming the Petitioner's conviction was entered on August 18, 2021. The order of the Florida Second District Court of Appeal denying rehearing was entered on October 28, 2021. Unless extended, the time within which to file a petition for a writ of certiorari would expire on January 26, 2022. The jurisdiction of this Court is invoked under 28 U.S.C. § 1257. Copies of the opinion and the order of the Florida Second District Court of Appeal are included in the appendix to this motion.

Argument

The Petitioner will be seeking certiorari review on the following issue: whether the trial court erred by allowing the State to introduce repetitive child hearsay statements at the Petitioner's trial.

Unfortunately undersigned counsel's schedule requires him to seek an extension of time in this case. In particular, during the next month, undersigned counsel will be attending one oral argument before a Florida appellate court, one postconviction

evidentiary hearing before a Florida circuit court, one in-person Florida Bar committee meeting, multiple video conference Florida Bar committee meetings, and will be out his office for a period of time while traveling with his family.¹

Additionally, since the Florida Second District Court of Appeal entered the order denying the motion for rehearing in this case, undersigned counsel has participated in two resentencing hearings and one postconviction evidentiary hearing before Florida circuit courts, participated in one Florida Bar committee meeting (via video conference), and was out of his office while traveling with his family during the holiday season.

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

¹ Undersigned counsel will appear at an oral argument on February 8, 2022, for *Caesar v. State*, case number 1D20-2956, pending before the Florida First District Court of Appeal. Undersigned counsel will appear at a postconviction evidentiary hearing on February 24, 2022, in *State v. McCann*, case number 2014-CF-1226, pending before the Florida Twentieth Judicial Circuit Court (Collier County). Undersigned counsel will attend a meeting in Orlando, Florida on January 27-28, 2022, of the Executive Council of the Criminal Law Section of The Florida Bar. Undersigned counsel will attend a video conference meeting on January 28, 2022, of the Rules of General Practice and Judicial Administration Committee. Undersigned counsel will attend a video conference meeting on February 18, 2022, of the CLE Committee of the Criminal Law Section of The Florida Bar. Finally, undersigned counsel will be traveling with his family on February 10-11, 2022.

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 12th day of January, 2022, 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 the Office of the Attorney General, Concourse Center 4, 3507 East Frontage Road, Suite 200, Tampa, Florida 33607-7013 (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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