

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 twenty-day extension of time within which to file a petition for a writ of certiorari in this Court, to and including March 17, 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. The original deadline by which to file a petition for a writ of certiorari was January 26, 2022. This Court extended the deadline by thirty days to February 25, 2022. Undersigned counsel is requesting an additional twenty days by which to file the petition for a writ of certiorari.

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.

Undersigned counsel had intended to complete the petition in this case during the week of February 14, 2022. However, on February 12, 2022, undersigned counsel learned that his uncle (the Honorable William Batchelder of Ohio) passed away, and, as a result, undersigned counsel will be out of his office during the week of February 14, 2022, attending the funeral in Ohio.

Therefore, the Petitioner requests an additional extension of twenty days to file the petition for a writ of certiorari.¹ No party will be prejudiced by the granting of a twenty-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 an additional twenty days.

Respectfully submitted,

/s/ Michael Ufferman
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Counsel for the Petitioner

¹ Undersigned counsel requests twenty days because he will be out of his office the entire week of February 21, 2022, attending two different postconviction evidentiary hearings in Naples, Florida.

CERTIFICATE OF SERVICE

I, Michael Ufferman, a member of the Bar of this Court, hereby certify that on the 14th day of February, 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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APPENDIX TO APPLICATION FOR EXTENSION OF TIME TO FILE
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DISTRICT COURT OF APPEAL OF FLORIDA
SECOND DISTRICT

GILBERTO MULGADO,

Appellant,

v.

STATE OF FLORIDA,

Appellee

No. 2D19-2362

August 18, 2021

Appeal from the Circuit Court for Lee County; Joseph C. Fuller,
Judge.

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

Ashley Moody, Attorney General, Tallahassee, and Cerese Crawford
Taylor and Jeffrey H. Siegal, Assistant Attorneys General, Tampa,
for Appellee.

PER CURIAM.

Affirmed.

MORRIS, C.J., and KELLY and LABRIT, JJ., Concur.

Opinion subject to revision prior to official publication.

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

October 28, 2021

CASE NO.: 2D19-2362
L.T. No.: 17-CF-28

GILBERTO MULGADO

v. STATE OF FLORIDA

Appellant / Petitioner(s),

Appellee / Respondent(s).

BY ORDER OF THE COURT:

Appellant's motion for rehearing, written opinion, and/or request to certify the question of great public importance is denied.

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

Served:

ATTORNEY GENERAL, TAMPA
JEFFREY H. SIEGAL, A. A. G.
GILBERTO MULGADO

CERESE CRAWFORD TAYLOR, A.A.G.
MICHAEL ROBERT UFFERMAN, ESQ.
LINDA DOGGETT, CLERK

mep

Mary Elizabeth Kuenzel
Mary Elizabeth Kuenzel
Clerk

