

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

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IN THE SUPREME COURT OF THE UNITED STATES

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WILLIAM DUSTIN POOLE,  
*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, William Dustin Poole, 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 December 1, 2022.

### **Jurisdiction**

After the Petitioner's motion to correct his illegal/unconstitutional sentence was denied by the trial court, the Petitioner pursued a direct appeal to the Florida Second District Court of Appeal. On August 3, 2022, the Florida Second District Court of Appeal affirmed the trial court's order.<sup>1</sup> Unless extended, the time within which to file a petition for a writ of certiorari would expire on November 1, 2022.

The jurisdiction of this Court is invoked under 28 U.S.C. § 1257. A copy of the opinion of the Florida Second District Court of Appeal is included in the appendix to this motion.

### **Argument**

The issue in this case is whether a sentence of life imprisonment without the possibility of parole on an eighteen-year-old defendant convicted of a non-homicide

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<sup>1</sup> Because the state appellate court did not issue a written opinion, the Petitioner was not entitled to seek review in the Florida Supreme Court. *See Jenkins v. State*, 385 So. 2d 1356, 1359 (Fla. 1980).

offense violates the prohibition of cruel and unusual punishment of the Eighth Amendment to the Constitution.

Unfortunately undersigned counsel's schedule requires him to seek an extension of time in this case. In particular, during the next two months, undersigned counsel will be attending two oral arguments before a Florida district court of appeal and six postconviction evidentiary hearings before Florida circuit courts.<sup>2</sup>

Additionally, since the Florida Second District Court of Appeal issued its opinion, undersigned counsel has participated in four postconviction evidentiary hearings before Florida circuit courts, one oral argument before a Florida district court of appeal, and was out of his office while traveling to and lecturing at a continuing legal education seminar.

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.

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<sup>2</sup> On November 8, 2022, undersigned counsel will appear at two oral arguments before the Florida Fifth District Court of Appeal, in *Espurvoa v. State*, case number 5D21-2001, and in *Roth v. State*, case number 5D21-2448. Undersigned counsel will also appear at postconviction evidentiary hearings on: 1) October 7, 2022, in *State v. Leonard*, case number 2018-MM-12776, pending before the Duval County Court; 2) October 13, 2022, in *State v. Booth*, case number 2012-CF-30612, pending before the Florida Seventh Judicial Circuit Court (Volusia County); 3) October 18, 2022, in *State v. Reed*, case number 2013-CF-255, pending before the Florida Fourteenth Judicial Circuit Court (Washington County); 4) October 28, 2022, in *State v. McCann*, case number 2014-CF-1226, pending before the Florida Twentieth Judicial Circuit Court (Collier County); 5) November 9, 2022, in *State v. Rollins*, case number 2004-CF-162B, pending before the Florida Second Judicial Circuit Court (Leon County); and 6) November 16 2022, in *State v. Pittman*, case number 2015-CF-634, pending before the Florida Fourteenth Judicial Circuit Court (Jackson County).

Accordingly, the Petitioner respectfully requests that an order be entered extending the time to petition for writ of certiorari by thirty 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 4th day of October, 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.

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