

No. _____

IN THE SUPREME COURT OF THE UNITED STATES

WILLIAM DUSTIN POOLE,
Petitioner,

v.

STATE OF FLORIDA,
Respondent.

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

APPLICATION FOR FURTHER EXTENSION OF TIME TO FILE
PETITION FOR WRIT OF CERTIORARI (DUE TO A FRIEND'S DEATH)

MICHAEL UFFERMAN
Michael Ufferman Law Firm, P.A.
2022-1 Raymond Diehl Road
Tallahassee, Florida 32308
(850) 386-2345
FL Bar No. 114227
Email: ufferman@uffermanlaw.com

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 twenty-day extension of time within which to file a petition for a writ of certiorari in this Court, to and including December 21, 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.¹ The original deadline by which to file a petition for a writ of certiorari was November 1, 2022. This Court extended the deadline by thirty days to December 1, 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. 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

¹ 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, a close friend of undersigned counsel's wife (i.e., her best friend from childhood) was recently placed in hospice in South Florida. Shortly after this occurred, undersigned counsel's wife traveled to South Florida during the week of November 7, 2022, to be with her friend. While undersigned counsel's wife was traveling over the last week, undersigned counsel was out of his office taking care of his special needs child (and regrettably the friend died late last week). Additionally, while undersigned counsel's wife will be traveling to the funeral (currently planned for the week of November 27, 2022), undersigned counsel will again be out of his office taking care of his special needs child.

Therefore, the Petitioner requests an extension of twenty days to file the petition for a writ of certiorari. 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 twenty days.

Respectfully submitted,

/s/ Michael Ufferman
MICHAEL UFFERMAN
Michael Ufferman Law Firm, P.A.
Florida Bar # 114227
2202-1 Raymond Diehl Road
Tallahassee, Florida 32308
(850) 386-2345
Email: ufferman@uffermanlaw.com

Counsel for the Petitioner

CERTIFICATE OF SERVICE

I, Michael Ufferman, a member of the Bar of this Court, hereby certify that on the 16th day of November, 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
MICHAEL UFFERMAN
Michael Ufferman Law Firm, P.A.
Florida Bar # 114227
2202-1 Raymond Diehl Road
Tallahassee, Florida 32308
(850) 386-2345
Email: ufferman@uffermanlaw.com

Counsel for the Petitioner

No. _____

IN THE SUPREME COURT OF THE UNITED STATES

WILLIAM DUSTIN POOLE,
Petitioner,

v.

STATE OF FLORIDA,
Respondent.

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

APPENDIX TO APPLICATION FOR FURTHER EXTENSION OF TIME TO FILE
PETITION FOR WRIT OF CERTIORARI (DUE TO A FRIEND'S DEATH)

MICHAEL UFFERMAN
Michael Ufferman Law Firm, P.A.
2202-1 Raymond Diehl Road
Tallahassee, Florida 32308
(850) 386-2345
Florida Bar No. 114227
Email: ufferman@uffermanlaw.com

Counsel for the Petitioner

TABLE OF CONTENTS

	Document	Page
1.	August 3, 2022, opinion of the Florida Second District Court of Appeal . .	A-1

DISTRICT COURT OF APPEAL OF FLORIDA
SECOND DISTRICT

WILLIAM DUSTIN POOLE,

Appellant,

v.

STATE OF FLORIDA,

Appellee.

No. 2D21-3952

August 3, 2022

Appeal pursuant to Fla. R. App. P.9.141(b)(2) from the Circuit Court for Polk County; Donald Jacobsen, Judge.

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

PER CURIAM.

Affirmed.

KKOUZAM, BLACK, and LUCAS, JJ., Concur.

Opinion subject to revision prior to official publication.