

No. _____

IN THE SUPREME COURT OF THE UNITED STATES

ROBERT NATHANIEL BROWN,
Petitioner,

v.

STATE OF FLORIDA,
Respondent.

ON PETITION FOR WRIT OF CERTIORARI TO THE FLORIDA FIRST
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, Robert Nathaniel Brown, 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 January 20, 2023.

Jurisdiction

The opinion/order of the Florida First District Court of Appeal affirming the denial of the Petitioner's state court motion for postconviction relief was entered on January 19, 2022. The motion for rehearing was denied on April 26, 2022. Review was denied by the Florida Supreme Court on September 22, 2022. Unless extended, the time within which to file a petition for a writ of certiorari would expire on December 21, 2022.

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

Argument

The issue in this case is whether the Petitioner's trial attorneys rendered ineffective assistance of counsel by failing to retain an independent accident reconstruction expert and failing to present the expert as a defense witness at trial – and whether the appellate court opinion affirming the order denying this claim misconstrued this Court's decision in *Harrington v. Richter*, 562 U.S. 86 (2011).

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 five postconviction evidentiary hearings before Florida circuit courts.¹ Additionally, in recent days, undersigned counsel has been out of his office following the death of a close family friend.

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.

Respectfully submitted,

/s/ Michael Ufferman
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¹ Undersigned counsel will appear at postconviction evidentiary hearings on: 1) November 28, 2022, in *State v. McCann*, case number 2014-CF-1226, pending before the Florida Twentieth Judicial Circuit (Collier County); 2) December 6, 2022, in *State v. Scott*, case number 2014-CF-8780, pending before the Florida Eleventh Judicial Circuit Court (Miami-Dade County); 3) December 8, 2022, in *State v. Rollins*, case number 2004-CF-162B, pending before the Florida Second Judicial Circuit Court (Leon County); 4) December 12, 2022, in *State v. Barnes*, case number 2002-CF-2198, pending before the Florida First Judicial Circuit Court (Okaloosa County); and 5) January 6, 2022, in *State v. Crane*, case number 2011-CF-2523, pending before the Florida Twelfth Judicial Circuit Court (Manatee County).

CERTIFICATE OF SERVICE

I, Michael Ufferman, a member of the Bar of this Court, hereby certify that on the 17th 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, PL-01, The Capitol, Tallahassee, Florida 32399-1050 (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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