

No. _____

IN THE SUPREME COURT OF THE UNITED STATES

DOUGLAS D. McCALL,
Petitioner,

v.

STATE OF FLORIDA,
Respondent.

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

APPLICATION FOR EXTENSION OF TIME TO FILE
PETITION FOR WRIT OF CERTIORARI

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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, Douglas D. McCall, 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 May 10, 2023.

Jurisdiction

The opinion of the Florida Fifth District Court of Appeal affirming the Petitioner's conviction was entered on December 13, 2022, and an order denying rehearing was entered on January 9, 2023. Unless extended, the time within which to file a petition for a writ of certiorari would expire on April 10, 2023.

The jurisdiction of this Court is invoked under 28 U.S.C. § 1257. Copies of the opinion and the order of the Florida Fifth District Court of Appeal are included in the appendix to this motion.

Argument

The issue in this case is whether the conviction was supported by sufficient evidence.

Unfortunately undersigned counsel's schedule requires him to seek an extension of time in this case. In particular, since the Florida Fifth District Court of Appeal entered its opinion, undersigned counsel has participated in three postconviction evidentiary hearings before Florida circuit courts, three motion hearings before Florida circuit courts, two oral arguments before two Florida district courts of appeal, lectured

at two continuing legal education seminars, and attended four Florida Bar committee meetings.

Additionally, during the next two months, undersigned counsel will be attending one oral argument before a Florida district court of appeal and four postconviction evidentiary hearings before Florida circuit courts.¹

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 On April 11, 2023, undersigned counsel will appear at one oral argument before the Florida First District Court of Appeal, in *Milaski v. State*, case number 1D22-45. Undersigned counsel will also appear at postconviction evidentiary hearings on: 1) April 12, 2023, in *State v. Espurvoa*, case number 2019-CF-132, pending before the Florida Fifth Judicial Circuit Court (Marion County); 2) April 13, 2023, in *State v. Gray*, case number 2020-CF-1316, pending before the Florida First Judicial Circuit Court (Santa Rosa County); 3) April 27, 2023, in *State v. Rafuse*, case number 2012-CF-143, pending in the Florida Fourteenth Judicial Circuit Court (Washington County); and 4) May 3, 2023, in *State v. Bullard*, case number 2016-CF-5226, pending before the Florida First Judicial Circuit Court (Escambia County).

CERTIFICATE OF SERVICE

I, Michael Ufferman, a member of the Bar of this Court, hereby certify that on the 24th day of March, 2023, 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, 444 Seabreeze Boulevard, Fifth Floor, Daytona Beach, Florida 32118 (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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