

No. _____

IN THE SUPREME COURT OF THE UNITED STATES

RODNEY THOMAS TERNOVSKY,
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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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, Rodney Thomas Ternovsky, 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 March 27, 2024.

Jurisdiction

The corrected opinion of the Florida Fifth District Court of Appeal affirming the Petitioner's convictions was entered on November 28, 2023. Unless extended, the time within which to file a petition for a writ of certiorari would expire on February 26, 2024.

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

Argument

The Petitioner will be seeking certiorari review on whether the Petitioner's due process rights were violated when the trial court allowed the State to inform the jury that the thumb drives found in the Petitioner's safe and workbag contained videos of the Petitioner and his girlfriend having sex.

Unfortunately undersigned counsel's schedule requires him to seek an extension of time in this case. In particular, since the Eleventh Circuit Court of Appeals entered its order, undersigned counsel has participated in one evidentiary hearing before a federal district court, one oral argument before a Florida district court, four postconviction evidentiary hearings before Florida circuit courts, five motion hearings before Florida circuit courts, lectured at one continuing legal education seminar, and attended two Florida Bar committee meetings.

Additionally, during the next two months, undersigned counsel will be attending one motion hearing before a Florida circuit court and five 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.

¹ Undersigned counsel will appear at a motion hearing on March 28, 2024, in *State v. Bean*, case number 2021-CF-318, pending in the Florida First Judicial Circuit Court (Walton County).

Undersigned counsel will appear at postconviction evidentiary hearings on: 1) February 6, 2024, in *State v. Floyd*, case number 2010-CF-304, pending in the Florida First Judicial Circuit Court (Santa Rosa County); 2) February 23, 2024, in *State v. Proulx*, case number 2020-CF-413, pending in the Florida Seventh Judicial Circuit Court (Flagler County); 3) February 28, 2024, in *State v. Tate*, case number 2011-CF-3552, pending in the Florida Second Judicial Circuit Court (Leon County); 4) March 18, 2024, in *State v. Cotton*, case number 2004-CF-1151, pending in the Florida Second Judicial Circuit Court (Leon County); and March 22, 2024, in *State v. Emke*, case number 2017-CF-13264, pending in the Florida Twelfth Judicial Circuit Court (Sarasota 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 30th day of January, 2024, 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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