

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 AN ADDITIONAL 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 an additional thirty-day extension of time within which to file a petition for a writ of certiorari in this Court, to and including April 26, 2024.

Jurisdiction

The corrected opinion of the Florida Fifth District Court of Appeal affirming the Petitioner's convictions was entered on November 28, 2023. Previously, this Court granted a thirty-day extension and extended the Petitioner's deadline to file his petition for a writ of certiorari to March 27, 2024. Undersigned counsel is requesting an additional thirty 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). 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 recent circumstances require him to seek an additional extension of time in this case – as explained below. On February 14, 2024, undersigned counsel's father had emergency brain surgery and – since the surgery, undersigned counsel has been with – and is currently with – his father at the hospital in Melbourne, Florida. Undersigned counsel does not know when he will be returning to his office in Tallahassee. Undersigned counsel will be staying with his father in Melbourne while his father transitions from the hospital to a rehabilitation facility and then ultimately to a nursing home.

Therefore, the Petitioner requests an additional extension of thirty days to complete and file the petition for a writ of certiorari. No party will be prejudiced by the granting of an additional 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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CERTIFICATE OF SERVICE

I, Michael Ufferman, a member of the Bar of this Court, hereby certify that on the 28th day of February, 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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FIFTH DISTRICT COURT OF APPEAL
STATE OF FLORIDA

Case No. 5D23-0091
LT Case No. 2018-CF-212
CORRECTED

RODNEY THOMAS TERNOVSKY,

Appellant,

v.

STATE OF FLORIDA,

Appellee.

On appeal from the Circuit Court for Clay County.
Steven B. Whittington, Judge.

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

Ashley Moody, Attorney General, and Virginia Chester Harris,
Senior Assistant Attorney General, Tallahassee, for Appellee.

November 28, 2023

PER CURIAM.

AFFIRMED.

HARRIS, SOUD, and PRATT, JJ., concur.

*Not final until disposition of any timely and
authorized motion under Fla. R. App. P. 9.330 or
9.331.*
