

DOCKET NO. _____
IN THE
SUPREME COURT OF THE UNITED STATES
OCTOBER TERM, 2017

DAVID PITTMAN,
Petitioner,
vs.
SECRETARY,
Florida Department of Corrections, et al.,
Respondents.

APPLICATION FOR SIXTY (60) DAY EXTENSION OF TIME IN WHICH TO FILE
PETITION FOR WRIT OF CERTIORARI TO THE UNITED STATES COURT OF
APPEALS FOR THE ELEVENTH CIRCUIT

COMES NOW, the Petitioner, DAVID PITTMAN, by and through undersigned counsel, and pursuant to Supreme Court Rule 13.5, respectfully requests an extension of time of sixty (60) days within which to file his Petition for Writ of Certiorari to the United States Court of Appeals for the Eleventh Circuit. In support of his request, Petitioner, through counsel, states as follows:

1. Petitioner is a death-sentenced inmate in the custody of the State of Florida. This case involves an appeal from the decision of the United States Court of Appeals for the Eleventh Circuit affirming the denial of federal habeas corpus relief pursuant to 28 U.S.C. §2254.

2. This Court's jurisdiction rests on 28 U.S.C. §1254.

3. Petitioner was convicted of three murders and sentenced to death in the circuit court of the Tenth Judicial Circuit in and for Polk County, Florida.

4. On September 22, 2017, Petitioner's appeal was denied by the United States Court of Appeals for the Eleventh Circuit (Attachment A). Petitioner thereafter moved for rehearing en banc and panel rehearing. Petitioner's motion was denied by the Eleventh Circuit on December 19, 2017 (Attachment B). Petitioner's time to petition for certiorari in this Court expires on March 19, 2018.

5. Petitioner shows the following good cause in support of this request.

6. Petitioner's lead counsel, who is CJA-appointed in this matter, has had a burdensome caseload since the final disposition of Petitioner's case in the Court of Appeals. In February, he had to prepare and file in the Florida Supreme Court replies in two capital appeals and two rehearing motions in two other capital appeals. He had two initial briefs due February 26th which had to be extended due to counsel's caseload to March 19th and March 28th. Counsel has a third initial brief in a capital appeal due on March 26th. Counsel had to prepare and file a post-evidentiary hearing memorandum of law in a capital case in state circuit court on March 8th. Counsel has an evidentiary hearing in a capital case in state circuit court scheduled for April 2nd for which he has to prepare. As a result, counsel has

to ask for a sixty day extension to be able to prepare a proper petition for a writ of certiorari in Petitioner's case.

WHEREFORE, Petitioner, through his undersigned counsel, respectfully requests an extension of time of sixty (60) days within which to file the Petition for Writ of Certiorari to the United States Court of Appeals for the Eleventh Circuit in the above-styled case.

I HEREBY CERTIFY that a true copy of the foregoing motion has been furnished by United States Mail, first-class postage prepaid, to Timothy A. Freeland, Office of the Attorney General, 3507 East Frontage Rd, Suite 200, Tampa, FL 33607, on March 13, 2018.

/s/ Martin J. McClain

*MARTIN J. MCCLAIN
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