

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

DARRYL BRIAN BARWICK

Petitioner,

vs.

STATE OF FLORIDA

Respondent.

APPLICATION FOR SIXTY (60) DAY EXTENSION OF TIME IN WHICH
TO FILE PETITION FOR WRIT OF CERTIORARI TO THE
FLORIDA SUPREME COURT

COMES NOW, the Petitioner, **DARRYL BRIAN BARWICK**, 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 Florida Supreme Court. 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 Florida Supreme Court affirming the denial of postconviction relief as to several constitutional claims.

2. This Court's jurisdiction rests on 28 U.S.C. §1257.
3. Petitioner was convicted of murder and sentenced to death in the circuit court of the Fourteenth Judicial Circuit in and for Bay County, Florida.
4. On February 28, 2018, Petitioner's appeal was denied by the Florida Supreme Court (Attachment). Petitioner's time to petition for certiorari in this Court expires May 29, 2018.
5. Petitioner shows the following good cause in support of this request.
6. Petitioner's counsel, who is court appointed registry counsel, has had a burdensome caseload since the final disposition of Petitioner's case in the Florida Supreme Court. In the past two months, counsel has been working on several capital cases and has been required to file two petitions for writ of certiorari to this Court (with another due this month); two replies to a response to a petition for writ of habeas corpus in the federal district court; and three initial briefs, one reply brief (with another two due this month), and two motions for rehearing in the Florida Supreme Court. As a result, counsel has not been 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 Florida Supreme Court 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 all counsel of record on May 1, 2018.

/s/. Linda McDermott

LINDA McDERMOTT
Florida Bar No. 0102857
McClain & McDermott, P.A.
20301 Grande Oak Blvd.
Suite 118 - 61
Estero, FL 33928
Tel: (850) 322-2172
Fax: (954) 564-5412
lindammcdermott@msn.com

Attorney for Petitioner