

No. _____

IN THE SUPREME COURT OF THE UNITED STATES

GERARD F. STELLWAGEN,
Petitioner,

v.

STATE OF FLORIDA,
Respondent.

ON PETITION FOR WRIT OF CERTIORARI TO THE FLORIDA SECOND
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, Gerard F. Stellwagen, 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 October 8, 2026.

Jurisdiction

The opinion of the Florida Second District Court of Appeal affirming the Petitioner's conviction was entered on June 10, 2026. Unless extended, the time within which to file a petition for a writ of certiorari would expire on September 8, 2026.

The jurisdiction of this Court is invoked under 28 U.S.C. § 1257(a). A copy of the opinion of the Florida Second 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 Fourth Amendment rights were violated when the search warrant issued 1) lacked probable cause, 2) the information was stale, and 3) it was overbroad.

Unfortunately undersigned counsel's schedule requires him to seek an extension

of time in this case. In particular, since the Florida Second District Court of Appeal entered its order, undersigned counsel has participated in two oral arguments before Florida district courts, one postconviction evidentiary hearing before a Florida circuit court, three hearings of motions for reduction of sentence before Florida circuit courts, lectured at a continuing legal education seminar, and attended three Florida Bar committee meetings.

Additionally, during the next two months, undersigned counsel will be attending one oral argument before the Fourth Circuit Court of Appeals, four oral arguments before Florida district courts, and five postconviction evidentiary hearings in Florida circuit courts.¹

¹ Undersigned counsel will appear at oral arguments on 1) September 8, 2026, in *Partridge v. State*, case number 5D2025-0497, pending in the Florida Fifth District of Appeal; 2) September 17, 2026, in *Guzman v. State*, case number 6D2024-2509, pending in the Florida Sixth District Court of Appeal; 3) October 6, 2026, in *Maraj v. State*, case number 4D2025-1176, pending in the Florida Fourth District Court of Appeal; 4) October 15, 2026, in *Cohen v. State*, case number 4D2025-1721, pending in the Florida Fourth District Court of Appeal; and 5) October 30, 2026, in *United States v. Russell*, docket number 25-4438, pending in the Fourth Circuit Court of Appeals (District of Maryland at Baltimore). Undersigned counsel will appear at postconviction evidentiary hearings on: 1) September 1, 2026, in *State v. Beer*, case number 2014-CF-3032, pending in the Florida Nineteenth Judicial Circuit Court (St. Lucie County); 2) September 28, 2026, in *State v. Koikos*, case number 2019-CF-1157, pending in the Florida Second Judicial Circuit Court (Leon County); 3) September 29, 2026, in *State v. Wright*, case number 2019-CF-828, pending in the Florida Second Judicial Circuit Court (Leon County); 4) September 30, 2026, in *State v. Tate*, case number 2011-CF-3552, pending in the Florida Second Judicial Circuit Court (Leon County); and 5) October 5, 2026, in *State v. Pittman*, case number 2015-CF-634, pending in the Florida Fourteenth Judicial Circuit Court (Jackson County).

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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CERTIFICATE OF SERVICE

I, Michael Ufferman, a member of the Bar of this Court, hereby certify that on the 21st day of August, 2026, 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, 3507 East Frontage Road, Suite 200, Tampa, Florida 33607 (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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