

No. \_\_\_\_\_

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**IN THE SUPREME COURT OF THE UNITED STATES**

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**GARY WAYNE SUTTON,**

*Applicant,*

**v.**

**STATE OF TENNESSEE,**

*Respondent.*

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On Petition for a Writ of Certiorari  
to the Tennessee Supreme Court

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**APPLICATION FOR AN EXTENSION OF TIME  
WITHIN WHICH TO FILE A PETITION FOR WRIT OF CERTIORARI**

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April 3, 2018

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TO THE HONORABLE ELENA KAGAN, Associate Justice of the United States and Circuit Justice for the Sixth Circuit:

Pursuant to this Court's Rules 13.5, 22 and 30.3, Applicant, Gary Wayne Sutton, a death-sentenced inmate from Tennessee, respectfully applies to this Honorable Court for a sixty-day extension of time, from April 18, 2018, up to and including June 18, 2018, within which to file a petition for writ of certiorari to review the order of the Tennessee Supreme Court entered on January 18, 2018 denying Mr. Sutton's application for permission to appeal the order of the Tennessee Court of Criminal Appeals entered on September 13, 2017. (Orders attached hereto as Appendix A and B, respectively).

Mr. Sutton will invoke the jurisdiction of this Court under 28 U.S.C. § 1257 and Supreme Court Rule 10(b) and (c), seeking review of the Tennessee Supreme

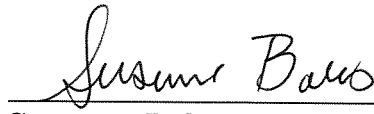
Court's decision (Appendix A). The petition is currently due on April 18, 2018. In accordance with Supreme Court Rule 13.5, this application is being filed at least ten days before the due date.

As good cause for extending the time to file a petition, undersigned counsel avers that she has been diligently working on Mr. Sutton's petition but intervening circumstances have diverted counsel's time and attention to other pressing matters. Specifically, counsel filed a capital habeas petition on March 27, 2018, in *Vela v. Frakes*, United States District Court for the District of Nebraska No. 4:18-cv-3046, and an Application for Certificate of Appealability in *Gamboa v. Davis*, Fifth Circuit Court of Appeals No. 16-70023 on February 5, 2018. In addition counsel will be on medical leave for much of the month of April.

Because this is a death penalty case, the stakes are substantial for Mr. Sutton and sufficient time to prepare his petition is critical. An additional sixty days is necessary to allow undersigned counsel of record adequate time to prepare the petition and to best present the issues to this Court.

Accordingly, Mr. Sutton respectfully requests that the time within which to file his petition for writ of certiorari be extended up to and including June 18, 2018.

Respectfully submitted,



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