

No. _____

IN THE SUPREME COURT OF THE UNITED STATES

COMMONWEALTH OF PENNSYLVANIA,
Petitioner

v.

RODERICK JOHNSON,
Respondent

On Petition for Writ of Certiorari to the
Supreme Court of Pennsylvania

UNOPPOSED APPLICATION FOR EXTENSION OF TIME
TO FILE PETITION FOR WRIT OF CERTIORARI

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DATE: March 5, 2018

Pursuant to Rule 13.5 of the Supreme Court of the United States, the Commonwealth of Pennsylvania (“the Commonwealth”) hereby respectfully files this unopposed application for a 30-day extension of time within which to file a Petition for Writ of Certiorari seeking review of the December 19, 2017 Judgment of the Supreme Court of Pennsylvania in *Commonwealth of Pennsylvania v. Roderick Andre Johnson*, No. 713 CAP, establishing a new filing deadline of April 18, 2018. In support thereof, the Commonwealth avers the following:

1. On December 19, 2017, the Supreme Court of Pennsylvania (“the state supreme court”) filed majority and dissenting opinions affirming the state trial court’s grant of collateral review relief in the form of a new trial for a convicted first-degree murderer sentenced to death.

2. A copy of the state supreme court opinions is attached hereto as Exhibit A.

3. The Commonwealth believes that there are compelling reasons for this Honorable Court to review the state supreme court’s judgment on a writ of certiorari, including but not limited to the question:

Whether the Supreme Court of Pennsylvania’s determination that the Commonwealth violated *Brady v. Maryland*, 373 US 83 (1963) by failing to disclose to the defense prior to trial five police reports that reference Commonwealth witness George Robles in the context of unrelated investigations that did not lead to criminal charges or otherwise provide a basis for the witness to be biased constitutes reversible error because it vastly expands the scope of the rule announced in *Brady v. Maryland*, 373 US 83 (1963) beyond the parameters set by this Court?

4. This Court has jurisdiction to review the state supreme court's judgment pursuant to 28 U.S.C. § 1257(a).

5. Pursuant to this Honorable Court's Rule 13.1, the Commonwealth's Petition for Writ of Certiorari must be filed within 90 days of the state supreme court's December 19, 2018 judgment, i.e. no later than March 19, 2018.

6. Undersigned counsel is the lead attorney for the Commonwealth in this matter.

7. Although undersigned counsel has begun preparation of the Commonwealth's Petition for Writ of Certiorari, he requires additional time beyond March 19, 2018.

8. This is primarily due to the fact that during the past 90 days, undersigned counsel has experienced a medical condition requiring the care of a physician that has required him to be out of the office and on medical leave for significant periods of time.¹

9. In light of this circumstance, the Commonwealth respectfully requests the Court to find good cause to extend the filing deadline for the Petition for Writ of Certiorari by 30 days until April 18, 2018.

10. Undersigned counsel has communicated with counsel for Respondent, Samuel Angell, Esquire and Mr. Angell has indicated that Respondent does not oppose the instant application for a 30-day extension of the filing deadline.

¹ Undersigned counsel will provide the Court with additional details if directed to do so.

11. Undersigned counsel certifies that the instant application is being filed in good faith and for no improper purpose.

WHEREFORE, the Commonwealth of Pennsylvania hereby respectfully requests this Honorable Court to grant a 30-day extension of time within which to file a Petition for Writ of Certiorari seeking review of the December 19, 2017 Judgment of the Supreme Court of Pennsylvania in *Commonwealth of Pennsylvania v. Roderick Andre Johnson*, No. 713 CAP, establishing a new filing deadline of April 18, 2018.

Respectfully submitted,

JOSH SHAPIRO
Attorney General

By: /s/ WILLIAM R. STOYCOS
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(717) 787-1401
Dated: March 5, 2018

CERTIFICATE OF SERVICE

I hereby certify that I am this day serving a copy of the foregoing

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upon the person(s) and in the manner indicated below:

*Service by ECF filing system & U.S. First-Class Mail,
Postage pre-paid,
addressed as follows:*

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David Zuckerman, Esquire
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(*Counsel for Roderick Johnson*)

/s/ WILLIAM R. STOYCOS
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