

No. 17A965 *** CAPITAL CASE ***

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 7-DAY EXTENSION OF TIME
TO FILE PETITION FOR WRIT OF CERTIORARI

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DATE: April 13, 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 an unopposed second, seven-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 25, 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. Copies of the state supreme court opinions were attached to the Commonwealth’s preceding filing with the Court on March 5, 2018.

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. On March 13, 2018, the Honorable Samuel Alito most graciously granted an unopposed request by the Commonwealth for a 30-day extension of time for the filing of the Petition for Writ of Certiorari, establishing a new filing deadline of April 18, 2018.

8. Although undersigned counsel has made significant progress in the preparation of the Commonwealth's Petition for Writ of Certiorari, he requires an additional seven days beyond April 18, 2018 to complete and file the Petition.

9. This is primarily due to the fact that undersigned counsel was recently designated by the Attorney General of Pennsylvania to serve as the Office of Attorney General's Administrative Agency Law Judge ("AALJ") for appeals of determinations rendered by the Pennsylvania State Police in connection with the Federal Gun Control Act of 1968, the Pennsylvania Uniform Firearms Act of 1995, and the Pennsylvania Criminal History Records and Information Act.

10. Undersigned counsel's new responsibilities as an AALJ has diverted time away from the time originally allotted by undersigned counsel for the

preparation of the Commonwealth's Petition for Writ of Certiorari in this matter, including preparation for and participation in an evidentiary hearing on April 13, 2018.

11. In addition, undersigned counsel is scheduled to attend a two-day continuing legal education program mandated by the Office of Attorney General on April 23-24, 2018.

12. In light of these circumstances, the Commonwealth respectfully requests the Court to find good cause to extend the filing deadline for the Petition for Writ of Certiorari by seven additional days until April 25, 2018.

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

14. 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 an unopposed second, seven-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 25, 2018.

Respectfully submitted,

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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 first-class mail
addressed as follows:*

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