No. 18-_____

IN THE SUPREME COURT OF THE UNITED STATES

JEFFERY DAY RIEBER,

          Petitioner,

   v.

STATE OF ALABAMA,

          Respondent.

ON PETITION FOR A WRIT OF CERTIORARI
TO THE ALABAMA SUPREME COURT

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

THIS IS A CAPITAL CASE

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Dated: April 19, 2018.   *Counsel for Petitioner*

To the Honorable Clarence Thomas, Associate Justice of the Supreme Court of the United States and Circuit Court for the Eleventh Circuit:

Petitioner Jeffrey Day Rieber, a death-sentenced Alabama prisoner, respectfully moves for a 60-day extension of time to file a petition for a writ of certiorari seeking review of the Alabama Supreme Court's order denying certiorari in the underlying case. This order disposed of Mr. Rieber's state petition for post-conviction relief under Rule 32 of the Alabama Rules of Criminal Procedure. The Alabama Supreme Court's order is attached to this application. Petitioner has calculated the certiorari filing date from the date of this order. This application is filed more than 10 days ahead of the certiorari filing deadline in compliance with Rule 13(5) of the Rules of the Supreme Court of the United States. This Court has jurisdiction to grant a writ of certiorari under 28 U.S.C. § 1257(a).

This request for an extension of time is based on good cause. Each of the undersigned attorneys are members of private law firms with busy civil litigation dockets, and have agreed to represent Mr. Rieber *pro bono*. Counsel requests this extension to provide adequate time to research and analyze complex and evolving legal issues.

In particular, Mr. Rieber's petition will raise (among others) arguments related to *Hurst v. Florida*, 136 S. Ct. 616 (2016), a case that has spawned hundreds of lower court decisions in the last two years. Counsel requires additional time to review recent case law developments.

In addition, Attorney Bensky, who has primary drafting responsibility for one of the legal issues Mr. Rieber will raise in the petition, has two medical procedures scheduled to take place during the time period leading up to the deadline to file the petition.

Finally, the undersigned counsel does not regularly practice before this Court and are therefore seeking outside counsel with more experience in practicing before this Court to assist with the preparation of the petition. At present, undersigned counsel has contacted prospective outside counsel, but has not yet retained outside counsel.

A 60-day extension of time is reasonable to allow undersigned counsel time to research and present the legal issues here and to retain outside counsel to assist with preparation of the petition.

Undersigned counsel has contacted the Alabama Attorney General's Office, counsel for Respondent, regarding this motion. Respondent does not object to a 60-day extension.

Petitioner respectfully requests that the Court grant this request.

Respectfully submitted,

GODFREY & KAHN, S.C.

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