

**IN THE SUPREME COURT OF THE UNITED STATES
CASE NO. _____**

JEROME GIBSON,

Petitioner,

v.

**Secretary, Pennsylvania Department of Corrections, Superintendent
SCI-Greene, Attorney General Pennsylvania, District Attorney Bucks County**

Respondents.

**MOTION FOR EXTENSION OF TIME FOR THE FILING OF
PETITION FOR WRIT OF CERTIORARI TO THE
UNITED STATES COURT OF APPEALS FOR THE THIRD CIRCUIT**

PETITIONER, Jerome Gibson, through undersigned counsel, respectfully moves for an extension of 60 days to prepare and file his Petition for Writ of Certiorari seeking review of the order of the United States Court of Appeals for the Third Circuit in *Gibson v. Secretary Pa. Dept. of Corr., et. al.*, C.A. No. 16-1792, dated December 22, 2017 (Appendix A), *panel rehearing and rehearing en banc denied*, February 12, 2018 (Appendix B). In support thereof, Petitioner respectfully submits as follows:

1. This is a habeas corpus case brought by a Pennsylvania state prisoner who is serving a sentence of life without parole on a conviction for first degree murder.
2. In addition to first degree murder, Mr. Gibson was convicted of related charges of robbery and possessing an instrument of crime. He was sentenced to death on the first degree homicide conviction.
3. In the course of post-conviction proceedings, the Pennsylvania Supreme Court granted Petitioner relief pursuant to *Atkins v. Virginia*, 536 U.S. 304 (2002), and changed

Petitioner's sentence on the homicide conviction to life imprisonment without parole.

Commonwealth v. Gibson, 925 A.2d 167 (Pa. 2007).

4. In state post-conviction and in federal habeas, Mr. Gibson pursued claims under *Brady v. Maryland*, 373 U.S. 83 (1963), and successfully sought and obtained discovery of the prosecutor's file in federal district court. *Gibson v. Beard*, Civ. Action No. 10-445 (E.D. Pa. Sept. 16, 2011), Dkt. No. 41. However, as to his convictions, he did not obtain further relief in state post-conviction courts or in federal habeas. The federal district court denied Mr. Gibson's habeas petition on February 29, 2016. *Gibson v. Beard*, Civ. Action No. 10-445 (E.D. Pa. Feb. 29, 2016), Dkt. No. 88.

5. Upon application of Petitioner, the Third Circuit granted COA on 14 *Brady* claims, one claim of ineffective assistance of counsel and a cumulative error claim. *Gibson v. Secretary*, No. 16-1729 (3d Cir. March 23, 2017). After granting and hearing oral argument, the Third Circuit affirmed the district court on December 22, 2017. An application seeking panel rehearing and rehearing *en banc* was denied on February 12, 2018.

6. Petitioner, through undersigned counsel, wishes to file a Petition for Writ of Certiorari to seek this Court's review of the Third Circuit's decision.

7. Petitioner's counsel cannot meaningfully prepare a professionally appropriate Petition by its current due date of May 14, 2018 (pursuant to Rule 30 of this Court). Undersigned counsel has professional responsibilities in other cases, including capital cases. These include the following: drafting and filing a petition for writ of certiorari in another case before this court; drafting and filing a brief in opposition in a capital case pending before this

court; drafting and filing a brief in response to questions posed by the Pennsylvania Supreme Court in a capital case.

8. Under these circumstances, Petitioner requests that the Court grant this Motion and extend by 60 days the deadline by which the Petition for Writ of Certiorari must be filed.

9. This request is made more than ten days before the filing deadline herein and is timely.

10. The granting of this request shall cause no prejudice to the Respondents.

11. This request is made in good faith and is not predicated on an intent to delay.

WHEREFORE, Petitioner prays that the Court grant a 60 day extension of time for the preparation and filing of his Petition for Writ of Certiorari, extending the deadline from May 14, 2018, to July 13, 2018.

Respectfully submitted,

s/ Samuel J.B. Angell
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Dated: May 3, 2018