

No. _____

IN THE
Supreme Court of the United States

JONATHAN HAYHOE,

Petitioner,

v.

UNITED STATES OF AMERICA,

Respondent.

**APPLICATION FOR EXTENSION OF TIME WITHIN
WHICH TO FILE A PETITION FOR WRIT OF CERTIORARI
FROM JUDGMENT OF THE UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT**

TO THE HONORABLE JOHN G. ROBERTS, JR., CHIEF JUSTICE OF
THE UNITED STATES SUPREME COURT and
CIRCUIT JUSTICE FOR THE FOURTH CIRCUIT

Pursuant to Supreme Court Rules 13.5, 22, and 30.3, Jonathan Hayhoe, Petitioner above-named, respectfully requests a thirty-one (31) day extension of time, up to and including July 20, 2018, within which to file a petition for writ of certiorari from the judgment of the United States Court of Appeals for the Fourth Circuit. Mr. Hayhoe has not previously sought an extension of time from this Court.

Petitioner is filing this Application at least ten days before the filing deadline, which is June 19, 2018. *See* S. Ct. R. 13.5. The jurisdiction of this Court will be invoked pursuant to 28 U.S.C. § 1254(1).

Mr. Hayhoe was convicted in the District of South Carolina of possession of child pornography, a violation of 18 U.S.C. § 2252A(a)(5)(B). Mr. Hayhoe appealed, and the Fourth Circuit Court of Appeals affirmed Mr. Hayhoe's conviction and sentence on March 19, 2018.

A copy of the Court of Appeals' Opinion is attached as Appendix A hereto.

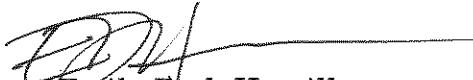
Undersigned counsel will not have sufficient time in which to file the petition for writ of certiorari for Mr. Hayhoe by June 19, 2018, for several reasons. First, it was not until yesterday, May 22, 2018, that Mr. Hayhoe contacted counsel and requested that a petition for writ of certiorari be filed with this Court. Second, undersigned counsel has a petition for writ of certiorari due in this Court in another case, *United States v. Gary Michael Allen*, Fourth Circuit No. 17-6514, on July 2, 2018. Third, counsel also has two briefs due in the Fourth Circuit Court of Appeals in the interim: an Opening Brief and Joint Appendix in *United States v. Carver*, Fourth Circuit No. 18-4153 (currently due June 8, 2018), and a Reply Brief in *United States v. Pena*, Fourth Circuit No. 17-4778 (currently due May 31, 2018). Additionally, counsel has an Opening Brief and Joint Appendix in *United States v. O'Berry*, Fourth Circuit No. 18-4199, due June 26, 2018.

Accordingly, additional time is necessary for the careful preparation of Mr. Hayhoe's petition for writ of certiorari. Moreover, no party will be prejudiced by the granting of a thirty-one (31) day extension.

As the time within which to file a petition for writ of certiorari in this case will expire June 19, 2018, unless extended, Petitioner respectfully requests an extension

of time in which to file a petition for writ of certiorari up to and including July 20, 2018.

Respectfully submitted,



s/ Emily Deck Harrill
ASS'T FEDERAL PUBLIC DEFENDER
1901 Assembly Street
Suite 200
Columbia, South Carolina 29201
803.765.5079
Emily_Harrill@fd.org
Counsel for Petitioner

May 23, 2018