

IN THE  
SUPREME COURT OF THE UNITED STATES

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No. \_\_\_\_\_

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JOSEPH FAULKNER, Applicant

v.

UNITED STATES OF AMERICA, Respondent

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APPLICATION FOR EXTENSION OF TIME TO FILE  
A PETITION FOR WRIT OF CERTIORARI TO THE  
UNITED STATES COURT OF APPEALS FOR THE SEVENTH CIRCUIT

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To the Honorable Elena Kagan  
Justice of the United States and  
Circuit Justice for the Seventh Circuit

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*Attorneys for Applicant*

Applicant Joseph Faulkner, by and through his undersigned counsel, pursuant to Rule 13(5) of the Rules of this Court, requests an extension of time of sixty days, to and including September 10, 2018, for the filing of a Petition for a Writ of Certiorari to review the decision of the United States Court of Appeals for the Seventh Circuit dated March 19, 2018. (Exhibit 1). Applicant's Petition for Rehearing was denied on April 11, 2018. (Exhibit 2).

1. The jurisdiction of this Court is based on 28 U.S.C. § 1254(1).

2. The date within which a Petition for Writ of Certiorari would be due, if not extended, is July 10, 2018.

3. Applicant seeks review of the decision of the United States Court of Appeals for the Seventh Circuit upholding on direct appeal his conviction for (1) Racketeering Conspiracy; (2) Conspiracy to Commit Assault with a dangerous weapon in Aid of Racketeering; (3) Discharge of a Firearm During and in Relation to a Crime of Violence; and (4) Conspiracy to Possess with Intent to Distribute.

4. Applicant is in custody and his facility has been on lockdown making it impossible to communicate about issues related to the case and any Petition.

5. Applicant's counsel was involved in a federal fraud trial when the Seventh Circuit entered its decision in April.

6. Applicant's counsel is scheduled to begin a murder trial on May 30, 2018 that is expected to take multiple days, for which he must prepare. He additionally has other state and federal matters which are scheduled before the current due date for this Petition and which are expected to take substantial time.

7. Applicant's counsel has a Petition for Writ of Certiorari due before this Court in *Peterson v. Illinois*, case no. 17A1053, on June 22, 2018.

8. Applicant's counsel has had numerous other matters since the Seventh Circuit entered its decision that have required extensive preparation time, and court time.

9. Applicant's counsel works at a small firm consisting of only himself and one associate.

10. The issues in this case are complex including (1) whether Applicant was twice placed in jeopardy in violation of the Fifth Amendment where he had previously pleaded guilty and been given an enhanced sentence based on the same conduct for which he was convicted in this case; (2) whether the trial court erred in failing to find that Applicant had withdrawn from the charged conspiracy where he provided a full confession and implicated his co-conspirators; and (3) whether the trial court improperly admitted hearsay statements of alleged co-conspirators made subsequent to that withdrawal.

11. Due to the complexities of these issues, the Petition will require extensive work by Applicant's counsel.

WHEREFORE, Applicant Joseph Faulkner respectfully requests that this Honorable Court grant his Application for Extension of Time to File a Petition for Writ of Certiorari to the United States Court of Appeals for the Seventh Circuit and allow Applicant an extension of time up to and including September 10, 2018 within which to file his Petition for Writ of Certiorari, and for any other relief this Court finds fair and just.

Respectfully submitted,

/s/ Steven A. Greenberg

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May 16, 2018

## **PROOF OF SERVICE**

Pursuant to the Rules of the Supreme Court of the United States, Rule 29, the undersigned certifies that the following document, *Application for Extension of Time to File a Petition for Writ of Certiorari to the United States Court of Appeals for the Seventh Circuit*, was served via email and U.S. Mail on the following parties on May 16, 2018.

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