

NO. _____ (CAPITAL CASE)

IN THE SUPREME COURT OF THE UNITED STATES

SHELTON DENORIA JONES,

Petitioner,

vs.

LORIE DAVIS, DIRECTOR, TEXAS DEPARTMENT OF CRIMINAL JUSTICE,
CORRECTIONAL INSTITUTIONS DIVISION

Respondent.

**On Petition for a Writ of Certiorari to
The United States Court of Appeals for the Fifth Circuit**

**APPLICATION FOR A 47-DAY EXTENSION OF TIME TO FILE A
PETITION FOR A WRIT OF CERTIORARI TO THE UNITED
STATES COURT OF APPEALS FOR THE FIFTH CIRCUIT**

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PETITION FOR A WRIT OF CERTIORARI TO THE UNITED
STATES COURT OF APPEALS FOR THE FIFTH CIRCUIT**

To the Honorable Samuel Alito, Associate Justice, and Circuit Justice for the United States Court of Appeals for the Fifth Circuit:

1. This is a capital habeas corpus proceeding. On March 27, 2018, a panel of the Fifth Circuit issued an opinion affirming the final order of a district court denying relief to Mr. Jones. *Jones v. Davis*, 886 F.3d 458 (5th Cir. 2018). Mr. Jones filed a timely petition for rehearing, which was denied on May 15, 2018. That same date, however, the Fifth Circuit withdrew its prior opinion and issued a new one. *Jones v. Davis*, 890 F.3d 559 (5th Cir. 2018) (attached as Exhibit 1). Mr. Jones did not seek rehearing.
2. At present, Mr. Jones has until August 13, 2016 to file a petition for a writ of certiorari seeking review of the Fifth Circuit's decision. *See* U.S.S.Ct.R. 13.1.
3. Under Rule 13.5 and Rule 30.3, this Court may extend the time for seeking certiorari for up to sixty (60) additional days. Your Honor should grant an extension of forty-seven (47) days under the circumstances, up to and including September 29, 2018.
4. While counsel has been able to begin the process of researching and preparing a petition for writ of certiorari, counsel will require additional time to do so, given their obligations in other capital cases.
5. Counsel for the respondent does not oppose the requested extension of time.

6. The issues to be presented in Mr. Jones's capital case are significant, including the proper interpretation and application of 28 U.S.C. § 2254(e)(2), the right to a fundamentally fair criminal trial, and the circumstances under which summary judgment may be granted in a habeas corpus case.

7. David R. Dow, who has served as lead counsel in the case to date, represented Christopher Young whose execution by the State of Texas occurred on July 17, 2017. Counsel has been required to devote substantial time and attention to the case, including the filing of a clemency petition and an application for a writ of habeas corpus, as well as conducting ancillary litigation surrounding the clemency process. Mr. Dow was also responsible for filing an initial habeas corpus application in a different capital case in federal district court on June 7, 2018. *See Buntion v. Davis*, No. 4:17-cv-02683 (S.D. Tex.).

8. Jared Tyler provides legal services part-time to a non-profit legal services corporation (Texas Defender Service) and also serves as resource counsel for a regional Habeas Assistance and Training program in Texas, for which he consults on capital cases and provides other services related to increasing the efficiency of representation. Mr. Tyler filed a reply brief in an appeal of the denial of a motion under 28 U.S.C. § 2255 in a capital case on July 2, 2018. Mr. Tyler also had a brief due in a capital direct appeal case on July 23, 2018, for which extension was requested but on which substantial time has been spent during the relevant period. His consulting and other duties have likewise been substantial during the period.

CONCLUSION

The application for extension of time should be granted, extending Mr. Jones's time to file a petition for writ of certiorari for forty-seven (47) days, until September 29, 2018.

Respectfully submitted,

s/ Jared Tyler

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