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IN THE SUPREME COURT OF THE UNITED STATES  
CASE No. \_\_\_\_\_

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MICHAEL MANLEY,  
Petitioner

v.

STATE OF DELAWARE,  
Respondent

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**UNCONTESTED MOTION FOR EXTENSION OF TIME FOR FILING OF  
PETITION FOR WRIT OF CERTIORARI TO THE  
SUPREME COURT OF DELAWARE**

**To the Honorable Samuel A. Alito, Jr., Associate Justice of the United States  
Supreme Court and Circuit Justice for the Third Circuit:**

Pursuant to Rule 13.5 of the Rules of this Court, Petitioner, Michael Manley, by and through his court-appointed Counsel, Christopher S. Koyste, Esquire, respectfully moves for a sixty (60) day extension of time from March 6, 2019, to and including May 5, 2019, within which to file a petition for writ of certiorari to the Supreme Court of the United States.

In support thereof, Petitioner respectfully submits as follows:

1. This matter was a capital case in which the Petitioner was sentenced to death. However, due to this Court's decision in *Hurst v. Florida*, 136 S.Ct. 616 (2016) and the Delaware Supreme Court's decisions in *Rauf v. State*, 145 A.3d 430 (Del. 2016) and *Powell v. State*, 153 A.3d 69 (Del. 2016), Mr. Manley's death sentence was vacated and Petitioner was resentenced to life without the possibility of parole on March 13, 2018.

2. The Delaware Supreme Court affirmed Petitioner's modified sentence on direct appeal on December 6, 2018. *Michael Manley v. State*, No. 165, 2018. A copy of the Delaware Supreme Court's Order is attached hereto as Exhibit "A".

3. Unless further extended, a writ of certiorari must be filed by March 6, 2019.

4. This Honorable Court has jurisdiction over this matter under 28 U.S.C. § 1257(a).

5. Counsel for Petitioner, because of responsibilities involving private practice and court-appointed federal and state cases,<sup>1</sup> has not been able to devote his complete attention to the petition to this date, and Petitioner's Counsel believes he cannot meaningfully prepare a professionally appropriate petition to address these issues to this Honorable Court by the current due date of March 6, 2019 for the filing of a petition for a writ of certiorari. Counsel for the State of Delaware, Maria Knoll, Esquire, Chief of the Appellate Division, understanding the time demands of Counsel's practice, indicated via email that she does not oppose this request for a 60 day extension.

6. Present Counsel for the Petitioner cannot prepare a meaningfully counseled certiorari petition under the current filing deadline, but has begun to review the records of the case and has determined, at a minimum, Counsel will be raising the following issues:

A) Whether the Delaware Courts automatic re-sentencing of Mr. Manley to a life sentence without the possibility of parole violated Mr. Manley's constitutional rights to Due Process, Equal Protection, effective assistance of counsel, and freedom from cruel and unusual punishment.

7. Counsel for Petitioner anticipated that the petition for writ of certiorari in this matter will

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<sup>1</sup> Counsel has multiple open federal cases which will require his attention over the next three months and has multiple complex postconviction cases in state court which will require significant time including the filing of a postconviction motion in the well publicized case of *State of Delaware v. James Cooke*.

involve complex and undecided issues of law as referenced in the previously submitted paragraph.

8. Counsel for Petitioner respectfully requests a 60-day extension of time in which to file the petition for writ of certiorari.

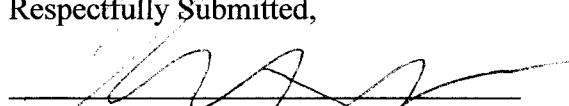
9. This motion is filed more than 10 days before the filing deadline herein of March 6, 2019 and is, therefore, timely filed.

10. This request is made in good faith and is not predicated on any intent to delay this matter.

WHEREFORE, Counsel for Petitioner respectfully requests that this Honorable Court grant an extension of time of 60 days for the preparation and filing of the petition for writ of certiorari to the Supreme Court of the United States which addresses the direct appeal decision of the Supreme Court of Delaware.

Dated: February 21, 2019

Respectfully Submitted,



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Counsel of Record for the Petitioner,  
Michael Manley