

NO:

IN THE  
SUPREME COURT OF THE UNITED STATES

OCTOBER TERM, 2018

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RICO MONTELL REID,

*Petitioner,*

v.

UNITED STATES OF AMERICA,

*Respondent.*

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

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

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Pursuant to Supreme Court Rules 13.5, 22, and 30.3, Rico Montell Reid respectfully requests an extension of time, to and including May 2, 2019, within which to file a petition for a writ of certiorari from the judgment of the United States Court

of Appeals for the Fourth Circuit. Mr. Reid has not previously sought an extension of time from this Court.

Petitioner is filing this Application at least ten days before the filing date, which is March 14, 2019. *See* S.Ct. R. 13.5. The jurisdiction of this Court will be invoked under 28 U.S.C. §1254(1).

Mr. Reid pled guilty in the District of South Carolina to charges of 18 U.S.C. §922(g)(1), 18 U.S.C. §924(c) and 21 U.S.C. §841(a)(1). Mr. Reid entered into a Rule 11(c)(1)(C) plea agreement with the government. At sentencing, before the court accepted the plea agreement, the court expressed concerns about whether Mr. Reid wanted to go forward with the plea, which included a negotiated sentence of 240 months. The guideline range for the counts to which Mr. Reid pled and as calculated in the presentence report (“PSR”) was 46 to 57 months, plus a 60-month consecutive sentence for the 18 U.S.C. §924(c) count. The district court told Mr. Reid at sentencing that if Mr. Reid did not agree to the plea agreement, the court would impose a sentence of 34 years, far in excess of what was negotiated in the plea agreement. The 34-year sentence was the term of imprisonment calculated in the PSR if Mr. Reid had been convicted of all nine counts charged in the indictment.

A copy of the Opinion and Judgment from the Court of Appeals for the Fourth Circuit is attached as Appendix A hereto, in which the Court affirmed the decision of the district court in part and dismissed the appeal in part. The appellate court summarily held that the district court did not improperly interfere with plea

negotiations. App. A. The Fourth Circuit dismissed Mr. Reid's other issues as barred by the appellate waiver.

Undersigned counsel will not have sufficient time to file the petition for writ of certiorari for Mr. Reid by March 14, 2019 for several reasons. First, counsel has been working on a case in which she was appointed, *United States v. Muslim*, Fourth Circuit Case No. 16-4304, for over a year and the case involves a complex trial and eight appeal issues. The government has received numerous extensions to file its brief, and, therefore, counsel's reply brief is currently due on March 11, 2019, just before Mr. Reid's petition is due. Counsel also has another brief due on March 11, 2019 in *United States v. Sitton*, Fourth Circuit Case No.18-4831. Counsel has oral argument scheduled in *United States v. Furlow*, Fourth Circuit Case No. 18-4531 on March 21, 2019 and will need to prepare for that argument in the weeks preceding the date Mr. Reid's petition is due. Additionally, two briefs in appeals filed by the government (*United States v. Watts*, Fourth Circuit Case No. 19-4046 and *United States v. Goodwin*, Fourth Circuit Case No. 19-4045) are due the week of March 11, 2019, and counsel will need to respond to those briefs

Accordingly, additional time will be necessary for the careful preparation of the petition for writ of certiorari in Mr. Reid's case.

No party will be prejudiced by the granting of an extension.

Since the time within which to file a petition for writ of certiorari in this case will expire on March 14, 2019 unless extended, Petitioner respectfully requests that

an order be entered extending his time to file a petition for writ of certiorari, to and including May 2, 2019.

Respectfully submitted,

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February 20, 2019