

IN THE
SUPREME COURT OF THE UNITED STATES
No.

JORDAN CLEMONS, Applicant

v.

COMMONWEALTH OF PENNSYLVANIA

APPLICATION FOR AN EXTENSION OF TIME TO FILE A PETITION FOR WRIT
OF CERTIORARI TO THE SUPREME COURT OF PENNSYLVANIA

THIS IS A CAPITAL CASE

To: Hon. Samuel J. Alito, Circuit Justice

Pursuant to Supreme Court Rules 13.5, 30.2 and 30.3, Jordan Clemons, by and through his counsel, applies for an extension of sixty days within which to file a petition for a writ of certiorari to the Supreme Court of Pennsylvania. The basis for jurisdiction in this Court is 28 U.S.C. § 1257(a).

On January 23, 2019, the Supreme Court of Pennsylvania affirmed the appellant's conviction for first degree murder and sentence of death imposed by the Court of Common Pleas of Allegheny County. Exhibit A. Consequently, the time for filing a petition for writ of certiorari, if not extended, will expire on April 23, 2019.

RELEVANT BACKGROUND

1. On January 23, 2012, the District Attorney of Washington County, Pennsylvania charged Jordan Clemons with the criminal homicide of Karissa Kunco. Mr. Clemons' trial took place in May 2015. On May 12, 2015, a jury found him guilty of

first-degree murder. Following the penalty phase, the same jury returned a verdict of death on May 14. The Court of Common Pleas formally imposed the death sentence on May 15, 2015.

2. Mr. Clemons timely filed a direct appeal. On January 23, 2019, the Pennsylvania Supreme Court issued an opinion, *Commonwealth v. Clemons*, 200 A.3d 441 (2019), in which it rejected Mr. Clemons' claims and affirmed his conviction and death sentence.
3. The attorney who represented Mr. Clemons in the Pennsylvania Supreme Court will not be filing a petition for writ of certiorari on his behalf. Consequently, Mr. Clemons contacted undersigned counsel and requested that he represent him and file a petition in this Court. Undersigned counsel has agreed to do so.

REASONS AN EXTENTION OF TIME IS JUSTIFIED

4. Undersigned counsel is the co-director of the Atlantic Center for Capital Representation (ACCR), a non-profit organization that provides training and litigation support for lawyers in death penalty cases. In addition to my normal responsibilities in this position, I have recently been appointed to an eleven-defendant capital murder case in Harrisburg, PA, with a number of pending deadlines. I also represent a capital defendant who is facing a re-sentencing in Montgomery County, PA. Furthermore, I have committed to teaching upcoming presentations for the National Association of Criminal Defense Lawyers (in Las Vegas) and the Pennsylvania Association of Criminal Defense Lawyers (in Harrisburg), and I need to prepare presentations for both. The Pennsylvania Supreme Court's opinion in this matter addressed six issues raised by Mr. Clemons in his direct appeal. Because of his other

responsibilities, undersigned counsel will not be able to adequately and effectively prepare a petition for writ of certiorari on Mr. Clemons behalf absent an extension of time.

5. Mr. Clemons is incarcerated on death row at the State Correctional Institute at Greene. His case is on direct appeal, and absent a grant of certiorari and relief from his conviction and/or sentences of death in this Court, he anticipates availing himself of state and federal post-conviction remedies to attack his convictions and death sentences. Hence, there is virtually no prejudice to the Commonwealth of Pennsylvania from a brief extension of time, and Mr. Clemons is entitled to effective representation in concluding the direct appeal process. Under the circumstances, additional time is needed for counsel to provide such representation. Counsel prays the Court will consider the foregoing circumstances sufficient to establish good cause.
6. Given the many cases and responsibilities that require undersigned counsel's attention in the next month, counsel hereby respectfully requests an additional 60 days within which to file a petition for writ of certiorari on Mr. Clemons' behalf.

Respectfully submitted,



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DATED: March 29, 2019

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No.

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v.


COMMONWEALTH OF PENNSYLVANIA, Respondent.

CERTIFICATE OF SERVICE

It is hereby certified that all parties required to be served have been served with a copy of the Application for Extension of Time to File a Petition for Writ of Certiorari to the Supreme Court of Pennsylvania by First Class Mail, postage prepaid, on this 29th day of March, 2019.

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