

IN THE SUPREME COURT OF THE UNITED STATES

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No.

RAYMONT WRIGHT,  
Petitioner

v.

UNITED STATES OF AMERICA

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

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Pursuant to Supreme Court Rules 13.5, 30.2 and 30.3, Raymont Wright, by and through his counsel, Assistant Federal Public Defender Renee Pietropaolo, applies for an extension of forty-five days within which to file a petition for a writ of *certiorari* to the United States Court of Appeals for the Third Circuit.

1. The basis for jurisdiction in this Court is 28 U.S.C. § 1254(1), allowing review of judgments of the courts of appeals.
2. On January 18, 2019, the United States Court of Appeals for the Third Circuit issued a splintered precedential opinion reversing the district court's order dismissing the indictment. *United States v. Wright*, 913 F.3d 364 (3d Cir. 2019) (attached as Exhibit A). A petition for *en banc* and panel rehearing was denied by order dated April 3, 2019 (attached as Exhibit B). Consequently, the time for filing a petition for a writ of *certiorari*, if not extended, will expire on July 2, 2019.

3. The government brought Raymont Wright to trial, twice, presenting “essentially the same evidence” (Exhibit A (Nygaard, 1)) in a prosecution that was entirely dependent on the credibility of police witnesses whose testimony was “at times contradictory and at other times strained credulity.” (McKee, 2). Two different juries could not reach a verdict. When the government announced its intent to try Mr. Wright a third time, with no new evidence, the trial court invoked its inherent power to dismiss the indictment after engaging in a careful balancing of factors. The government appealed.

4. This case presents a question of first impression both in the Third Circuit and in this Court: whether trial courts have inherent power to dismiss an indictment with prejudice following multiple mistrials for deadlocked juries (not whether courts may dismiss an indictment relying on constitutional, statutory, or rule-based grounds) and, if so, what test should guide a trial court’s exercise of that power.

5. The Third Circuit issued a fractured opinion reversing the trial court’s order, with all three judges writing separately. That opinion provided no clear answer to the first question and failed to address the second.

6. Because this case presents difficult questions of first impression concerning the inherent power of the judicial branch and constitutional separation of powers principals, additional time is necessary to further review precedent and scholarly writings.

7. Moreover, undersigned counsel is attempting to meet briefing due dates in the United States Court of Appeals for the Third Circuit and anticipates filing supplemental briefing in the next few weeks in a case remanded by this Court for consideration of another question of first impression, *see Wheeler v. United States*, S. Ct. No. 18-7187, 2019 WL 2331301 (2019) (granting petition for writ of *certiorari*, vacating the judgment, and remanding). Undersigned counsel also currently has two appeals tentatively scheduled for oral argument on the merits in Philadelphia, Pennsylvania, the week of July 8, 2019, and the current July 2, 2019 due date will impede her ability to sufficiently prepare for those arguments. Finally, counsel will be out of the office for a week in July and also for several days in early August to participate in required continuing education.

8. Counsel prays the Court will consider the foregoing circumstances sufficient to establish good cause and grant the requested extension of time to enable her to present this petition, which will raise a question of first impression on an issue about which there appears to be disagreement among the circuits, in a manner that best serves the Court and her client.

Respectfully submitted,

LISA B. FREELAND  
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District of Pennsylvania

  
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