
NO. _____

IN THE SUPREME COURT OF THE UNITED STATES
OCTOBER TERM, 2017

Vernon Montrell Webster - Petitioner,

vs.

United States of America - Respondent.

**APPLICATION DIRECTED TO THE HONORABLE NEIL GORSUCH FOR
ADDITIONAL TIME TO FILE PETITION FOR A WRIT OF CERTIORARI
TO THE EIGHTH CIRCUIT COURT OF APPEALS**

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ATTORNEY FOR PETITIONER

Comes Now petitioner Vernon Webster, through his attorney of record, Assistant Federal Public Defender Heather Quick, who, pursuant to Supreme Court Rule 13.5, requests an additional sixty days in which to file a petition in this Court seeking certiorari to the Eighth Circuit Court of Appeals, up through Friday, January 25, 2019. In support, counsel submits as follows:

JUDGMENT FOR WHICH REVIEW IS SOUGHT

Petitioner seeks an extension to file a petition for writ of certiorari.

Petitioner is requesting review of the judgment issued by the Eighth Circuit Court of Appeals on July 11, 2018, affirming the petitioner's conviction and sentence.

Appendix 1. Petitioner filed a timely motion for petition for rehearing en banc, which the Eighth Circuit denied on August 28, 2018. Appendix 5. Under Supreme Court Rules 13.1, 13.3, and 30.1, the current deadline for the filing of a petition for writ of certiorari is Monday, November 26, 2018. Petitioner files this request for additional time at least 10 days before the date the petition is currently due, in compliance with Supreme Court Rule 13.5.

JURISDICTION

This Court will have jurisdiction over the timely filed petition pursuant to 28 U.S.C. § 1254(1).

REASONS FOR APPLICATION FOR EXTENSION

Defense counsel believes that petitioner's case raises recurrent issues regarding whether a state burglary conviction qualifies as an Armed Career

Criminal predicate. Petitioner's challenged predicate is Wisconsin burglary. Case law on whether Wisconsin burglary qualifies as an Armed Career Criminal predicate is quickly evolving. *United States v. Franklin*, 895 F.3d 954 (7th Cir. 2018) (granting defendant's petition for rehearing en banc to determine whether Wisconsin burglary is an Armed Career Criminal predicate). More time is necessary to research these developments and prepare a petition for writ of certiorari.

In addition, undersigned counsel has a variety of other obligations before the federal judiciary. For example, along with numerous briefing and filing obligations in upcoming weeks, counsel of record is also scheduled to present oral argument in two cases before the Eighth Circuit Court of Appeals on November 16, 2018. These obligations will make it difficult for counsel to finalize and file a satisfactory petition by the current deadline, despite counsel's diligent efforts to do so.

CONCLUSION

For the foregoing reasons, the petitioner respectfully requests that this Court grant a 60-day extension, to and including January 25, 2019, in which to file a petition for a writ of certiorari.

RESPECTFULLY SUBMITTED,

/s/ Heather Quick
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