

No. _____

IN THE
SUPREME COURT OF THE UNITED STATES

JAIME V. PINA, JR,

Applicant,

vs.

UNITED STATES OF AMERICA,

Respondent,

On petition for a Writ of Certiorari to the
United States Court of Appeals for the Sixth Circuit

**APPLICATION FOR EXTENSION OF TIME TO FILE
A PETITION FOR WRIT OF CERTIORARI**

Sarah Riley Howard
Pinsky, Smith, Fayette & Kennedy, LLP
146 Monroe Center St., NW – Suite 805
Grand Rapids, MI 49503
616/451-8496

**APPLICATION FOR EXTENSION OF TIME TO FILE A PETITION FOR A WRIT
OF CERTIORARI**

*To the Honorable Sonia Sotomayor, Circuit Justice for the
United States Court of Appeals for the Sixth Circuit:*

In accordance with Rule 13.5 of the United States Supreme Court Rules, Jamie V. Pina, Jr. requests a thirty-day extension of time, up to and including December 12, 2018, within which to file his petition for writ of certiorari. Pina's petition for certiorari is currently due November 12, 2018. In support of this application, counsel states:

1. Pina's case raises the important constitutional question: Does the Sixth Amendment right to counsel attach before the filing of a charge in federal court, where the defendant has already been charged for the same offense in state court and where federal investigators are actively pursuing an indictment?
2. On August 14, 2018, the United States Court of Appeals for the Sixth Circuit issued an opinion, denying Pina relief. *United States v. Pina et al.*, Nos. 17-1829/2073, 2018 WL 3860517 (6th Cir. August 14, 2018) (attached). The opinion relied almost exclusively on the recent Sixth Circuit opinion in *Turner v. United States*, 885 F.3d 949 (6th Cir. 2018), asserting that the court's holding in *Turner* foreclosed Pina's argument. Turner has filed a petition for certiorari, citing a vigorous dissent, an acknowledged circuit split on the issue, and statements by the Sixth

Circuit judges stating that the Supreme Court needed to address the issues raised in Turner's case. Pina joins in Turner's arguments.

3. The Supreme Court has certiorari jurisdiction over this case under 28 U.S.C. § 1254(1).
4. Pina currently has until November 12, 2018 to file a petition for writ of certiorari. See U.S. S. Ct. R. 13.1.
5. Under Rule 13.5, a Supreme Court Justice may extend the time for seeking certiorari up to sixty additional days.
6. Counsel requests an additional thirty days to properly prepare and file Pina's petition for writ of certiorari.
7. Undersigned counsel has recently completed a federal jury trial, wherein she represented one of the eight criminal defendants. The trial lasted for over two weeks and, in addition to the significant amount of time required for the trial itself, required extensive preparation efforts before the trial began. Undersigned counsel also has numerous commitments to other clients. Because of the vast amount of time committed to the trial as well as her remaining sizeable caseload, counsel will be unable to properly prepare Pina's petition for writ of certiorari by the current deadline. Granting an additional thirty days will ensure that the important issues to be raised are properly presented to the Court.

Wherefore, Pina requests that he be granted a thirty-day extension of time, to and including December 12, 2018, within which to file a petition for writ of certiorari.

Respectfully Submitted,

/s/ Sarah Howard

Sarah Riley Howard
Pinsky, Smith, Fayette & Kennedy, LLP
146 Monroe Center St., NW – Suite 805
Grand Rapids, MI 49503
616/451-8496