

No. _____

IN THE SUPREME COURT OF THE UNITED STATES

OCTOBER TERM, 2018

JESSIE PHILLIPS,

Petitioner,

v.

STATE OF ALABAMA,

Respondent.

**APPLICATION FOR EXTENSION OF TIME TO FILE
PETITION FOR A WRIT OF CERTIORARI TO
THE ALABAMA SUPREME COURT**

To the Honorable Clarence Thomas, Associate Justice of the Supreme Court of the United States and Circuit Justice for the Eleventh Circuit:

Petitioner Jessie Phillips respectfully requests, pursuant to Supreme Court Rules 13 and 30, a thirty-two (32) day extension of time to file his petition for certiorari in this Court:

1. The jurisdiction of this Court is invoked under 28 U.S.C. § 1257(a).
2. On December 18, 2015, the Alabama Court of Criminal Appeals affirmed Mr. Phillips's conviction, but remanded directing the trial court to correct errors in its sentencing order. *Phillips v. State*, CR-12-0197, 2015 WL

9263812 (Ala. Crim. App. Dec. 18, 2015) (attached as Exhibit A). On October 21, 2016, on return to remand, the Alabama Court of Criminal Appeals affirmed Mr. Phillips's death sentence. *Phillips v. State*, CR-12-0197, 2016 WL 6135443 (Ala. Crim. App. Oct. 21, 2016) (attached as Exhibit B). The Alabama Court of Criminal Appeals denied rehearing on February 10, 2017, and this order is attached as Exhibit C. The Alabama Supreme Court granted discretionary review on 13 issues on May 18, 2017, and this order is attached as Exhibit D. On October 19, 2018, the Alabama Supreme Court affirmed Mr. Phillips's conviction. *Ex parte Phillips*, No. 1160403, 2018 WL 5095002 (Ala. Oct. 19, 2018) (attached as Exhibit E). The Alabama Supreme Court denied rehearing on January 4, 2019, and issued a certificate of judgment. This order is attached as Exhibit F. Petitioner's time to file a petition for a writ of certiorari expires on April 4, 2019. This application is being filed at least ten (10) days before that date.

3. Petitioner is under a death sentence. The State of Alabama has no system for providing legal representation to death row prisoners after the completion of their direct appeal. There are many Alabama death row prisoners currently without counsel facing filing deadlines in this Court, in state postconviction cases, and in the lower federal courts. Counsel is actively engaged in assisting these prisoners.

4. Undersigned counsel has taken on Mr. Phillips's appeal in this Court pro bono but needs additional time to prepare a certiorari petition. Counsel currently is involved in many other death penalty cases, including numerous cases on direct appeal, in state postconviction, and in federal habeas corpus. Many of these cases have imminent filing deadlines and require counsel's immediate attention.

FOR THESE REASONS, Mr. Phillips respectfully requests that an order be entered extending his time to file a petition for certiorari by thirty-two (32) days, to and including May 6, 2019.

Respectfully submitted,

/s/John W. Dalton
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March 20, 2019