

20A-_____

In The
SUPREME COURT OF THE UNITED STATES
October 2019 Term

Kendall R. Carter,
Applicant/Petitioner,

v.

United States of America,
Respondent.

Application for an Extension of Time Within
Which to File a Petition for a Writ of Certiorari to the
United States Court of Appeals for the Sixth Circuit

APPLICATION TO THE HONORABLE JUSTICE
SONIA SOTOMAYOR AS CIRCUIT JUSTICE

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January 13, 2020

Attorney for Applicant/Petitioner
*Counsel of Record

APPLICATION FOR AN EXTENSION OF TIME

Pursuant to Rule 13.5 of the Rules of this Court, Applicant Kendall Carter hereby requests a 60-day extension of time within which to file a petition for a writ of certiorari to and including March 14, 2020.

JUDGMENT FOR WHICH REVIEW IS SOUGHT

The judgment for which review is sought is *United States of America v. Kendall R. Carter*, Sixth Circuit COA No. 18-6333 – Filed October 16, 2019; the opinion is attached as Exhibit 1.

JURISDICTION

The order of the United States Court of Appeals for the Sixth Circuit denying the petition for rehearing was filed on November 21, 2019; the order is attached as Exhibit 2. This Court will have jurisdiction over any timely filed petition for certiorari in this case pursuant to 28 U.S.C. § 1254(1). Under Rules 13.1, 13.3, and 30.1 of the Rules of this Court, a petition for certiorari is due to be filed on or before January 14, 2020.

REASONS JUSTIFYING AN EXTENSION OF TIME

Applicant respectfully requests a 60-day extension of time within which to file a petition for a writ of certiorari seeking review of the decision of the United States Court of Appeals for the Sixth Circuit in this case, to and including March 14, 2020.

1. The extension of time is also necessary because of the press of other client business. Undersigned counsel is a former federal prosecutor with an active

federal and state criminal defense practice. Undersigned counsel has had an unusually busy end of the year and beginning of the new year. Counsel began the retrial of a federal criminal action styled *United States of America v. Mark Bryant*, *MDTN Case No. 3:18-cr-00144* on Tuesday, January 7, 2020, before Chief U.S. District Judge Waverly Crenshaw for the Middle District of Tennessee and a jury. That trial ended on Friday night, January 10, 2020. Mr. Bryant is being prosecuted by both sovereigns for the identical conduct and his State criminal trial begins on January 22, 2020. Undersigned counsel also filed an appellate brief in the Tennessee Court of Criminal Appeals on January 3, 2020 in a case styled *State of Tennessee v. Joseph Christopher Hendry, II*, *Case No. M2019-01284-CCA-R3-CD*. In addition to the day-to-day demands of counsel's criminal defense practice, he filed a brief in the United States Court of Appeals for the Sixth Circuit in a case styled *United States of America v. George David George*, *Case No. 19-5331* in December.

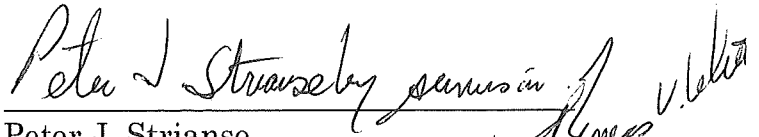
2. A 60-day extension for the Applicant would allow counsel the necessary amount of time to prepare and file Applicant's petition.

3. Although counsel was retained by Mr. Carter's family for purpose of trial and appeal through the United States Court of Appeals for the Sixth Circuit, counsel may be representing Mr. Carter in this Court *pro bono*.

CONCLUSION

For the foregoing reasons, Applicant respectfully requests that this Court grant an extension of 60 days, to and including March 14, 2020, within which to file a petition for a writ of certiorari in this case.

Respectfully submitted,

A handwritten signature in cursive script, reading "Peter J. Strianse".

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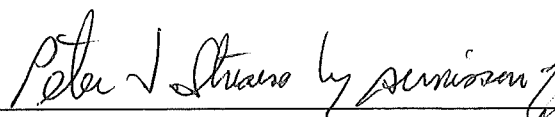
January 13, 2020

Attorney for Applicant/Petitioner
*Counsel of Record

CERTIFICATE OF SERVICE

I hereby certify that, on this 13th day of January, 2020, I caused a copy of the foregoing Application for Extension of Time to be served on the following by first-class mail, postage pre-paid, as well as electronically:

Noel Francisco
Solicitor General
Office of the Solicitor General
950 Pennsylvania Avenue N.W.
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