

IN THE UNITED STATES SUPREME COURT

WALTER BARTON)	
Appellant,)	Supreme Court Case # _____
)	Eighth Cir. Case No. 18-2241
v.)	
)	
CYNTHIA GRIFFITH, ET AL)	
Appellees.)	

MOTION FOR EXTENSION OF TIME TO FILE
PETITION FOR CERTIORARI
CAPITAL CASE

Comes now Walter Barton, by attorneys, and pursuant to Supreme Court Rules 13.5 and 30.2, requests this Court to extend 59 days, until August 16, 2019, the deadline for filing his Petition for *Certiorari* to this Court. The grounds for this request will be set forth in the subsequent numbered subparagraphs.

1. Walter Barton, sentenced to death by the state of Missouri for murder, brought in the United States District Court for the Western District of Missouri original and amended petitions for relief pursuant to 28 U.S.C. 2254 (Doc.¹ 18; Doc. 33). On April 9, 2018, the District Court denied relief, and also denied issuance of a certificate of appealability (Doc. 59). On May 7, 2018, Mr. Barton filed a motion, pursuant to F.R.Civ.P. 59(e), asking that the District Court alter or amend its order (Doc. 61). On May 8, 2018, Mr. Barton filed his initial Notice of Appeal to the Eighth Circuit (Doc. 62). On June 6, 2018, the District Court denied

the Rule 59(e) motion (Doc. 66). And then, on June 7, 2018, Mr. Barton filed his first amended Notice of Appeal to the Eighth Circuit (Doc. 68).

2. On July 31, 2018, Mr. Barton timely filed his Application for Certificates of Appealability. On December 21, 2018, the Eighth Circuit denied the application. On January 4, 2019, Mr. Barton filed his request for rehearing *en banc*. The Eighth Circuit ordered that Appellee respond, and that response was filed on February 19, 2019. On March 20, 2019, the motion for rehearing *en banc* was overruled, with Judge Kelly dissenting from that decision. Copies of the Eighth Circuit Orders are appended.

3. In light of the foregoing, and by operation of this Court's Rule 13, Mr. Barton's deadline for filing with this Court a Petition for *Certiorari* is June 18, 2019.

4. Though undersigned appointed counsel have, to this point, expended their best efforts to meet this deadline, and though they shall continue to exert their best efforts, counsel firmly believe that they will be unable to meet this deadline, and present the best possible petition on behalf of Mr. Barton. There are several significant issues of great import which counsel are developing for possible presentation to this Court. The process of properly crafting these issues has been,

¹ The designator "Doc." is used to refer to documents filed with the District Court.

and will continue to be time-intensive. In light of the work done by counsel to this point, it appears that an additional fifty-nine days will be necessary for them to properly complete Mr. Barton's petition. Therefore, counsel request that this Court extend, until August 16, 2019, the deadline for the filing of Mr. Barton's Petition for *Certiorari* regarding the above captioned cause.

4. In light of the foregoing, there is good cause for the extension sought.

5. Undersigned counsel has consulted with Counsel for the government and has ascertained that Counsel for the government has no objections to the extension of time sought in this motion.

WHEREFORE, Mr. Barton prays that this Honorable Court extend 59 days, until August 16, 2019, the deadline for filing his Petition for *Certiorari* to this Court.

Respectfully submitted

FREDERICK A. DUCHARDT, JR.
MO Bar Enrollment Number 28868
P.O. Box 216
Trimble MO 64492
Phone: 816-213-0782
Fax: 816-635-5155
ATTORNEY FOR WALTER BARTON

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing Motion was served upon the following by mailing a copy of same to each this 5th day of June, 2019.

Caroline Coulter
Assistant Attorney General
P.O. Box 899
Jefferson City, Mo. 65102
caroline.coulter@ago.mo.gov

FREDERICK A. DUCHARDT, JR.