

No. 19-618

IN THE SUPREME COURT OF THE UNITED STATES

JON ERIC SHAFFER,
Petitioner

v.

PENNSYLVANIA
Respondent

On Petition for Writ of *Certiorari* to the
Supreme Court of Pennsylvania

APPLICATION FOR AN EXTENSION OF TIME WITHIN
WHICH TO FILE A RESPONSE TO PETITION FOR WRIT OF CERTIORARI

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To the Honorable Samuel A. Alito, Jr., Associate Justice of the Supreme Court of the United States and Circuit Justice for the Third Circuit:

Pursuant to Rule 13.5 of the Supreme Court of the United States, the Commonwealth of Pennsylvania (“the Commonwealth”) hereby respectfully files this application for a 30-day extension of time within which to file its response to the petition for writ of certiorari filed by Petitioner Jon Eric Shaffer seeking review of the Judgment of the Supreme Court of Pennsylvania in this matter, establishing a new filing deadline of January 15, 2019. In support thereof, the Commonwealth avers the following:

1. On June 18, 2019, the Supreme Court of Pennsylvania (“the state supreme court”) filed its decision in *Commonwealth v. Shaffer*, 209 A.3d 957 (Pa. 2019), which contained a majority opinion, a concurring and dissenting opinion, and a dissenting opinion.¹

2. Following the Court’s grant of two applications to extend the time for filing a petition for writ of certiorari, Petitioner Shaffer filed a petition for writ of certiorari on November 13, 2019.

3. That petition seeks this Court’s review of the state supreme court’s application of the private search exception to the Fourth Amendment of the United States Constitution in the context of digital devices.

4. This Court has jurisdiction to review the state supreme court’s judgment pursuant to 28 U.S.C. § 1257(a).

¹ A copy of the state supreme court opinions is contained within the Appendix of Petitioner Shaffer’s petition for writ of certiorari filed on November 13, 2019.

5. The Commonwealth's response to the petition for writ of certiorari ("the Commonwealth's response") is currently due to be filed on or before December 16, 2019.

6. Undersigned counsel is the lead attorney for the Commonwealth in this matter.

7. Although undersigned counsel has begun preparation of the Commonwealth's response, he requires additional time beyond December 16, 2019.

8. This is primarily due to the fact that during the past 90 days, undersigned counsel has experienced several medical conditions requiring the care of physicians that has required him to be out of the office and on medical leave for significant periods of time.²

9. In addition, undersigned counsel has experienced two deaths in his family during the past 30 days which required him to be out of the office.

10. In addition, undersigned counsel was not involved in the trial or appellate proceedings that took place in the Pennsylvania state courts. The Commonwealth was represented in those proceedings by the District Attorney of Butler County, Pennsylvania. The case was referred from the District Attorney's Office to the Office of Attorney General of Pennsylvania following Petitioner Shaffer's decision to file a petition for writ of certiorari. Consequently, undersigned counsel requires additional time to fully acquaint himself with the relevant record

² Undersigned counsel will provide the Court with additional details if directed to do so.

materials and to undertake the thorough research and analysis that is necessary to properly aid this Court in determining whether to add this case to its merits docket.

11. In addition, undersigned counsel has been required to file numerous pleadings and briefs and present oral arguments in the state and federal courts in unrelated cases as well as perform his role as the Office of Attorney General's Administrative Law Judge during the past 90 days.

12. For these reasons, the Commonwealth respectfully requests the Court to find good cause to extend the filing deadline for its response to the petition for writ of certiorari by 30 days until January 15, 2019.

13. The Commonwealth has not previously sought an extension of time from this Court in this matter.

14. Undersigned counsel certifies that the instant application is being filed in good faith and for no improper purpose.

WHEREFORE, the Commonwealth of Pennsylvania hereby respectfully requests this Honorable Court to grant a 30-day extension of time within which to file its response to the petition for writ of certiorari filed by Petitioner Jon Eric Shaffer seeking review of the Judgment of the Supreme Court of Pennsylvania in this matter, establishing a new filing deadline of January 15, 2019.

Respectfully submitted,

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Attorney General

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Date: December 11, 2019

CERTIFICATE OF SERVICE

I hereby certify that I am this day serving a copy of the foregoing
APPLICATION FOR AN EXTENSION OF TIME WITHIN
WHICH TO FILE A RESPONSE TO PETITION FOR WRIT OF CERTIORARI
upon the person(s) and in the manner indicated below:

*Service by first-class mail
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