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IN THE
SUPREME COURT OF THE UNITED STATES

CHARLES FARRAR, *Petitioner*,

v.

RICK RAEMISCH, ET AL., *Respondents*.

On Petition for Writ of Certiorari to the
United States Court of Appeals for the Tenth Circuit

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

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To the Honorable Sonia Sotomayor, Associate Justice of the Supreme Court of the United States and Circuit Justice for the Tenth Circuit:

Petitioner Charles Farrar, by undersigned counsel, prays for a 60-day extension of time, to and including January 27, 2020, in which to file a petition for a writ of certiorari. In support of this request, counsel states:

1. On August 29, 2019, the United States Court of Appeals for the Tenth Circuit denied Mr. Farrar's Petition for Rehearing. Attachment A.

2. Mr. Farrar has 90 days from August 29, 2019, to file a petition for a writ of certiorari. Sup. Ct. R. 13. The petition is therefore due to be filed on or before November 27, 2019. This application is being filed at least 10 days before that date. Sup. Ct. R. 30.2.

3. The jurisdiction of this Court is invoked under 28 U.S.C. § 1254(1).

4. This case involves two potential issues challenging Mr. Farrar's Colorado state criminal convictions and resulting potential lifetime imprisonment: whether a claim of actual innocence is subject to review on federal habeas and whether convictions based on perjury violate the Due Process clause of the Fourteenth Amendment even if the prosecution was unaware of the perjury when it occurred. The Tenth Circuit's published decision on the latter issue creates a split among the circuits, and both claims are of great public importance.

5. This appeal has attracted interest nationally from Supreme Court litigators. Until recently, a former Solicitor General of the United States who has argued dozens of cases before this Court had agreed to represent Mr. Farrar pro

bono as co-counsel with the undersigned. For many weeks undersigned counsel was operating under the belief that this former Solicitor General would be able to take the lead on the petition for certiorari. Unfortunately, that attorney recently had to decline the representation altogether when his law firm's administration declined final approval. Since receiving this news, undersigned counsel has been trying to find a suitable replacement to co-counsel this matter with her. Undersigned counsel has not yet herself argued a case before the Court and continues to believe that Mr. Farrar's interests and the important constitutional issues presented in this case would be best served by representation from an experienced Supreme Court practitioner. An extension of 60 days instead of 30 days is sought to increase the likelihood that undersigned counsel will be able to obtain the assistance from such a practitioner and to ensure that any such new co-counsel will have adequate time to review the record and prepare the petition for certiorari.

6. Counsel also requires additional time to coordinate with potential amici curiae counsel and organizations who have expressed interest in supporting Mr. Farrar's forthcoming petition for certiorari.

7. The requested extension of time is for 60 days, up to and including January 27, 2020. *See* Sup. Ct. R. 13.5 (authorizing extension of up to 60 days for filing a petition for writ of certiorari); Sup. Ct. R. 30.1 (if calculated due date falls on a weekend day, then the due date is the next business day).

7. Counsel has conferred with Colorado Senior Attorney General Ryan Crane, counsel for Respondents, who states that Respondents do not oppose the requested extension of time.

WHEREFORE, Charles Farrar respectfully asks this Court to enter an order extending his deadline to file a petition for certiorari by 60 days, to and including January 27, 2020.

Respectfully submitted,

s/ Gail K. Johnson

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