

August 7, 2019

Justice Sonia Sotomayor  
Supreme Court of the United States  
1 First Street, N. E.  
Washington, DC  
20543-0001

**RE: Jonathon William-Durand Neuhard, Petitioner v. United States of America,  
Respondent;**

**Application, Pursuant to Supreme Court Rules 13.5 and 30.4, to Extend the Time to  
File a Petition for a Writ of Certiorari in *USA v. Neuhard*, United States Court of  
Appeals for the Sixth Circuit, No. 17-2422**

Justice Sotomayor:

The petitioner, Jonathon William-Durand Neuhard, by counsel, seeks, pursuant to Supreme Court Rules 13.5 and 30.4, an extension of sixty-days (60) days from Sunday, August 18, 2019, to and including Thursday, October 17, 2019, in which to file his petition for writ of certiorari to review the decision of the United States Court of Appeals for the Sixth Circuit affirming his judgment of conviction and sentence.

On May 20, 2019 the Sixth Circuit Court of Appeals rendered its decision in petitioner Neuhard's appeal of his conviction and sentence in federal district court. *USA v. Neuhard*, No. 17-2422, unpublished opinion, May 20, 2019.<sup>1</sup> Mr. Neuhard's petition for certiorari is due to be filed on or before Monday, August 19, 2019. Supreme Court Rules 13.5; 30.4.

Undersigned counsel Aprile was not involved in representing Mr. Neuhard either at his trial in federal district court or on his direct appeal in the Sixth Circuit Court of Appeals. Mr. Neuhard was represented on his direct appeal by Margaret Sind Raben<sup>2</sup> as a CJA appointed attorney, who

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<sup>1</sup> A copy of *USA v. Neuhard*, United States Court of Appeals for the Sixth Circuit, No. 17-2422, unpublished opinion, entered May 20, 2019, is enclosed. No rehearing petition was filed.

<sup>2</sup> Margaret Sind Raben's contact information is Gurewitz & Rabin, 333 W. Fort Street, Suite 1400, Detroit, MI 48226, (313) 628-4708.

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continues to represent him. Undersigned counsel Aprile has agreed to represent Mr. Neuhard on his petition for certiorari on a pro bono basis in conjunction with his CJA attorney, Ms. Raben. Undersigned counsel Aprile has assumed the responsibility for drafting the certiorari petition and it is he that is requesting this extension.

Due to the press of his caseload and his lack of previous involvement in Mr. Neuhard's case, Aprile is unable to complete Mr. Neuhard's petition for a writ of certiorari in time to meet the August 19, 2019 filing deadline. During the ninety-day filing period, undersigned counsel was out of the country for fifteen days from May 31 until June 15, 2019 on a trip scheduled long before Mr. Neuhard's decision was rendered by the Sixth Circuit Court of Appeals. As a result of that fifteen-day absence from his office, a number of court deadlines had to be extended and came due after counsel's return from abroad. During that same period, decisions in some of Aprile's cases were rendered by appellate and trial courts that have created additional obligations and deadlines to meet. For example, on August 2, 2019, undersigned counsel Aprile submitted a lengthy letter to a Kentucky administrative board on behalf of a client who provides expert witness services to indigent criminal defendants in Kentucky in order to ensure the confidentiality of the client's work under ex parte orders and proceedings. Similarly, counsel Aprile during the last 90 days has been preparing for the state court retrial of a multiple felony trial that originally occurred in 2010 with the client proceeding pro se. The original conviction was recently vacated by the Sixth Circuit Court of Appeals on habeas corpus review.

Similarly, Aprile has a discretionary review motion due to be filed in the Kentucky Supreme Court on Monday, August 19, 2019, arising out of a post-conviction case as well as a reply brief to be filed in the Kentucky Supreme Court in late August in a murder case.

Additionally, Aprile, as a CJA appointee, represents with a Kentucky public defender co-counsel a Kentucky death row inmate in the United States Court of Appeals for the Sixth Circuit Court on his appeal of the denial of his federal habeas corpus petition challenging his convictions and death sentences. Aprile has represented this client since 2003 in this federal action. That appeal has now been stayed by the Sixth Circuit during the briefing stage to allow counsel to pursue an unexhausted claim in the state trial court. That state action is proceeding now.

These are just a few examples of counsel Aprile's obligations to other clients.

For the above reasons, undersigned counsel Aprile is requesting a sixty-day extension. Of course, undersigned counsel Aprile will endeavor to complete and file the petition for certiorari as soon as possible taking into account his responsibilities to his other clients, both retained and appointed. Aprile is requesting an extension of sixty days out of an abundance of caution because additional

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obligations, both anticipated and unanticipated, to his other clients, both retained and appointed, in the approaching months will preclude him from devoting all of his time to the completion and submission of Mr. Neuhard's petition for certiorari. For example, Aprile will have to file a motion for discretionary review in the Kentucky Supreme Court in early September in a criminal appeal.

Mr. Neuhard is confined on this conviction and sentence in a federal prison.

This application is being made by letter upon the specific advice and direction of the Office of the Clerk of this Court.

This application is being forwarded to this Court on Wednesday, August 7, 2019, by means of a private courier for delivery on August 8, 2019 and also filed electronically on this Court's electronic filing system.

A copy of this application letter is being mailed on Wednesday, August 7, 2019, through the United States Postal Service by first-class mail, postage prepaid, to Hon. Daniel R. Hurley and Hon. Mollie Elizabeth O'Rourke, United States Attorney's Office, 211 W. Fort Street, Suite 2001, Detroit, MI 48226.

Undersigned counsel Aprile is a member of the bar of this Court and has been for some forty-six (46) years, having been admitted on January 22, 1973. Aprile has represented clients before this Court where certiorari has been granted and oral argument held on four occasions.

This application is being filed at least ten (10) days before the date the brief in opposition is due, Monday, August 19, 2019.

For the above reasons, petitioner Neuhard, by counsel, seeks, pursuant to Supreme Court Rules 13.5 and 30.4, an extension of sixty (60) days from August 18, 2019, to and including Thursday, October 17, 2019, in which to file petitioner Neuhard's petition for writ of certiorari to review the decision of the Sixth Circuit Court of Appeals affirming his conviction and sentencing.

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Respectfully submitted,

/s/ J. Vincent Aprile II  
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Petitioner

cc: Hon. Daniel R. Hurley  
Hon. Mollie Elizabeth O'Rourke  
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