

IN THE SUPREME COURT OF THE UNITED STATES

No.

STEPHAN EDWARD CORRICK,
Petitioner

v.

UNITED STATES OF AMERICA

APPLICATION FOR AN EXTENSION OF TIME
TO FILE A PETITION FOR A WRIT OF CERTIORARI
TO THE UNITED STATES COURT OF APPEALS
FOR THE THIRD CIRCUIT

Pursuant to Supreme Court Rules 13.5, 30.2 and 30.3, Stephan Edward Corrick, by and through Assistant Federal Public Defender Renee Pietropaolo, applies for an extension of thirty days within which to file a petition for a writ of *certiorari* to the United States Court of Appeals for the Third Circuit.

1. The basis for jurisdiction in this Court is 28 U.S.C. § 1254(1), allowing review of judgments of the courts of appeals.

2. Mr. Corrick was convicted in the district court for the Western District of Pennsylvania in relevant part of possessing and brandishing a firearm during and in furtherance of a crime of violence in violation of 18 U.S.C. §§ 2118(d) and (a) and 18 U.S.C. § 924(c)(1)(A)(ii).

3. While his case was pending before the Third Circuit Court of Appeals, this Court granted a petition for *certiorari* in *United States v. Davis*, S. Ct. No. 18-

431, to review: “Whether the subsection-specific definition of ‘crime of violence’ in 18 U.S.C. § 924(c)(3)(B), which applies only in the limited context of a federal criminal prosecution for possessing, using or carrying a firearm in connection with acts comprising such a crime, is unconstitutionally vague.”

4. Immediately thereafter, Mr. Corrick filed a motion asking the Third Circuit to stay his appeal pending this Court’s resolution of *Davis*. Mr. Corrick acknowledged that he had not raised a challenge to his § 924(c) conviction in the opening brief, noting that the Third Circuit’s authority pre-*Davis* was adverse to such claim. *See United States v. Robinson*, 844 F.3d 137 (3d Cir. 2016); *United States v. Galati*, 844 F.3d 152 (3d Cir. 2016). He further acknowledged that were *Davis* to result in a favorable ruling, any *Davis*-based claim would be subject to a plain error standard of review.

5. The Third Circuit denied that motion and, on May 29, 2019, issued a not precedential opinion affirming the district court’s judgment. *United States v. Corrick*, No. 18-1694, ___ F.App’x ___, 2019 WL 2290230 (3d Cir. 2019) (attached as Exhibit A). That opinion did not discuss the § 924(c) conviction or *Davis*.

6. On June 24, 2019, this Court issued its opinion in *United States v. Davis*, 139 S. Ct. 2319 (2019). Following *Davis*, this Court has granted petitions for writ of certiorari, vacated and remanded for further consideration in light of *United States v. Davis*. *See e.g., Jefferson v. United States*, 2019 WL 2649796 (2019).

7. Counsel for Mr. Corrick retired before the Third Circuit issued its opinion and before this Court decided *Davis* and therefore did not have an opportunity to confer with Mr. Corrick about either opinion.

8. Undersigned counsel is attempting to reach Mr. Corrick (who is incarcerated out-of-state) to discuss the implications of the Third Circuit's opinion, this Court's opinion in *Davis*, and his options given the current legal landscape.

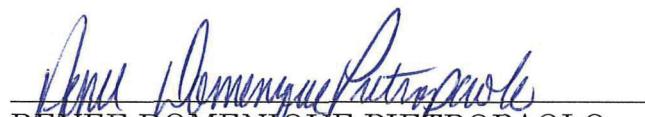
9. Importantly, the time for filing a petition for a writ of *certiorari*, if not extended, will expire on August 27, 2019.

10. Because communications with incarcerated petitioners are often not easily arranged (and may require out-of-state travel) and because undersigned counsel was only this week tasked with assessing Mr. Corrick's claims, Mr. Corrick herein requests a 30-day extension of time within which to file a petition for writ of certiorari.

11. Counsel prays the Court will consider the foregoing circumstances sufficient to establish good cause and grant the requested extension of time to enable her to proceed in a manner that best serves the Court and her client.

Respectfully submitted,

LISA B. FREELAND
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