No. _____

Seventh Circuit Appeal No. 18-2662

IN THE

SUPREME COURT OF THE UNITED STATES

JOSEPH A. WILLIAMS,

Petitioner,

v.

UNITED STATES OF AMERICA,

Respondent.

MOTION FOR EXTENSION OF TIME TO FILE PETITION FOR A WRIT OF CERTIORARI

EXHIBIT A – AFFIDAVIT OF COUNSEL

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JOSEPH A. WILLIAMS,

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AFFIDAVIT OF ADAM STEVENSON IN SUPPORT OF MOTION FOR EXTENSION OF TIME TO PETITION FOR A WRIT OF CERTIORARI

I submit this affidavit in support of Joseph Williams' Motion for Extension of Time to File Petition for a Writ of Certiorari:

1. On September 12, 2018, pursuant to the Criminal Justice Act of 1964, the Court of Appeals for the Seventh Circuit ("Court of Appeals") appointed me to represent Joseph Williams in his direct appeal arising out of the District Court for the Northern District of Indiana's ("District Court"). (Exhibit B.) Mr. Williams is in federal custody at FCI Terre Haute. His projected release date is currently May 30, 2030.
2. On July 23, 2019, the Court of Appeals issued its opinion affirming Mr. Williams' sentence. (Exhibit C.)

3. In its opinion, the Court of Appeals held that Mr. Williams' prior Indiana conviction was an appropriate serious drug offense for sentencing under the Armed Career Criminal Act ("ACCA").

4. There is at a minimum a reasonable prospect that this Court will grant certiorari and potentially reverse the decision of the Court of Appeals. The issue in this case is directly related to the recent case this Court accepted for review, *Shular v. United States*, Supreme Court Case No. 18-6662. In relevant part, Mr. Williams' case hinges in part on issues related to the (modified) categorical approach and the Court's interpretation of "involving" as used in the ACCA's serious drug offense definition. 18 U.S.C. § 924(e)(2)(A)(ii).

5. In addition, the identification of the particular statute and elements involved in Mr. Williams' prior case involves questions that grow out of this Court's opinion in *Mathis v. United States*, __ U.S. __, 136 S.Ct. 2243 (2016). In particular, Mr. Williams' case presents an opportunity to clarify the steps a reviewing court must take, and sources is may or must consult, when determining whether statutory text is an element or a means of fulfilling an element.

6. Counsel has in the past been, and currently is, engaged in other litigation currently in ongoing briefing. This work includes briefing in *United States v. Erin Graham*, Seventh Circuit Appeal No. 19-2373; *United States v. David Perez*, Seventh Circuit Appeal No. 19-1448; and

United States v. Demoney Coleman, Seventh Circuit Appeal No. 19-2447. These cases are in addition to several other legal matters during the course of running a federal postconviction law school clinic and directing the University of Wisconsin Law School's prison-based clinical programs.

7. In addition to other casework, counsel is not a full-time practicing attorney, and is instead the director of a legal clinic at the University of Wisconsin Law School and classroom criminal law instructor in the fall. Due to the educational nature and structure of the project and counsel's work directing it, counsel has additional time commitments in addition to, and apart from, litigation. Though not itself a basis for an extension given the general time commitments of members of the bar, in combination with the casework listed above, these matters demonstrate the need for additional time to effectively represent Mr. Williams' interests before this Court.
8. Mr. Williams is aware of the possibility that counsel would need to file such a motion for an extension of time to petition the Court. Mr. Williams has no objections to requesting a 60-day extension.
9. There is no prejudice to the respondent by the granting of this motion, which would serve justice and the public interest.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on this 27th day of September, 2019.

Adam Stevenson
Clinical Associate Professor
Supreme Court Bar No. 295931

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JOSEPH A. WILLIAMS

State of Wisconsin
County of Dane

This document was signed before me on 9/27/19 by Adam Stevenson

Sarah Dahl

Name:
Notary Expiration Date: Permanent

NOTARY STAMP/SEAL