

IN THE SUPREME COURT OF THE UNITED STATES

DAVID THOMAS, Petitioner.

v.

UNITED STATES, Respondent.

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

TO THE HONORABLE SAMUEL A. ALITO, ASSOCIATE JUSTICE OF
THE SUPREME COURT OF THE UNITED STATES AND CIRCUIT
JUSTICE FOR THE THIRD CIRCUIT:

Pursuant to this Court's Rules 13.5 and 30.2, applicant-petitioner David Thomas
prays for a 60-day extension of time to file his petition for a writ of certiorari
(“Petition”) in this Court to and including January 6, 2020 (as the 60th day—January
5—will be a Sunday).

1. Timeliness and Jurisdiction. On August 8, 2019, the United States Court of
Appeals for the Third Circuit filed its opinion and judgment affirming the applicant's
convictions. Appx. A. As a result, pursuant to this Court's Rules 13.1 and 13.3, a
petition for certiorari would be due on or before November 6, 2019. This application is
being filed at least ten days before that date. See Rule 30.2. The jurisdiction of this
Court is to be invoked under 28 U.S.C. § 1254(1).

2. Opinions Below. The Third Circuit's non-precedential opinion (per McKee,
J., with Smith & Fisher, JJ.), August 8, 2019, is attached as Appendix A.

3. Reasons for Granting the Extension. Undersigned counsel (“Counsel”) has been until recently unable to communicate effectively with applicant due to lock-down conditions at his institution, which inability impacted Counsel’s preparation of the petition. Moreover, Counsel has two upcoming court appearances scheduled just before November 6 for which he must prepare and appear: 1) the jury trial in the matter of Commonwealth of Pennsylvania v. Jansel Rodriguez, docketed in the Court of Common Pleas of Philadelphia at CP-51-CR-0005851-2018 and scheduled to commence on November 4, 2019, wherein Counsel’s client is charged with, *inter alia* first degree felony aggravated indecent assault of a child; and the evidentiary hearing in the matter of Rashan Richardson v. John Kerestes *et al.*, docketed in the Eastern District of Pennsylvania at 15-4687, scheduled to commence October 28 and expected to last two days, which evidentiary hearing was ordered in response to the amended motion filed by Counsel’s client pursuant to 18 U.S.C. §2254 alleging actual innocence in regard to his state homicide conviction. In addition to his court appearances in late October and early November, counsel has a pre-paid vacation scheduled for December 2-6, 2019. Counsel has requested a sixty-day extension until after the new year in consideration of the holidays and their potential impact on scheduling.

WHEREFORE, the Applicant-Petitioners pray that the Circuit Justice enter an Order extending the time within which they may petition this Court for certiorari by 45 days, to and including June 3, 2019.

Dated: October 22, 2019

Respectfully submitted,



By: ALEXANDRE TURNER

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No. 18A-

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CERTIFICATE OF SERVICE

Pursuant to this Court's Rule 29.5(b). I certify that I am a member of the Bar of this Court, representing the Applicant-Petitioner. I further certify that on October 22, 2019, at the time of electronic filing and of express delivery to this Court, I served the foregoing Application, pursuant to Rules 29.3 and 29.4(a), on the Solicitor General, counsel for the respondent, whose telephone number is (202) 514- 2201, by depositing a copy of the same, first class postage prepaid, in the United States mails, addressed to each of:

Noel J. Francisco, Esq.
Solicitor General
Department of Justice
Washington, DC 20530

As a result, I state pursuant to Rule 29.5 that all parties required to be served have been served.

Respectfully submitted,
s/Alexandre Turner
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