

THOMAS HOPES, :
Petitioner

UNITED STATES OF AMERICA :

Robert Epstein, Assistant Federal Defender, Federal Community Defender Office for the Eastern District of Pennsylvania, respectfully requests the granting of the instant application for a 30-day extension of time for filing a petition for writ of certiorari, or until April 8, 2020, and in support represents the following:

1. Petitioner Thomas Hopes was charged in a multi-defendant superseding indictment No. 13-cr-00057 in federal court in the Western District of Pennsylvania with conspiracy to distribute and possess with intent to distribute one kilogram or more of a mixture and substance containing heroin, in violation of 21 U.S.C. § 846 (Count 1s); possession, use, and discharge of a firearm in furtherance of a drug trafficking crime and a crime of violence, in violation of 18 U.S.C. § 924(c)(1)(A)(i) (Count 2s); and possession with intent to distribute and distribution of a quantity of a mixture and substance containing a detectable amount of heroin, in violation of 21 U.S.C. § 844(a)(1) and (b)(1)(C) (Count 4s). Mr. Hopes proceed to trial with his co-defendants and was found guilty on Counts 1s and 4s

and not guilty on Count 2s. He was sentenced and subsequently filed notice of appeal. Petitioner Hopes's appeal was consolidated with that of co-defendant Gregory Harris, Jr., No. 16-1537, in order to allow consultation regarding and briefing of common issues.

2. Briefs were filed and on September 13, 2019, the Third Circuit Court of Appeals entered a not precedential Opinion affirming the judgment of the district court. (Attached as Appendix "A"). This opinion included a dissent by Circuit Judge Ambro on, *inter alia*, one of the common issues Petitioner Hopes and Gregory Harris, Jr. raised.

3. Counsel filed a petition for rehearing *en banc*, which was denied by the Third Circuit on December 10, 2019. (Attached as Appendix "B").

4. Petitioner Hopes's petition for writ of certiorari is due 90 days after the denial of the petition for rehearing. The due date is therefore March 9, 2020.

5. Counsel for Petitioner Hopes anticipates continuing to consult with counsel for Gregory Harris, Jr. in preparing the petition for certiorari.

6. In addition to the need for additional time to consult with counsel for Gregory Harris, Jr., counsel has been occupied preparing the opening brief and joint appendix in *United States v. Charles Senke*, No. 19-128 (a two day jury trial which involves four issues). Also, counsel is reviewing the record for the preparation of the opening brief and joint appendix in *United States v. Brandon*

McIntyre, No. 18-2464 (a seven day jury trial with numerous pretrial motion hearings).

7. Counsel requests an additional 30 days or until April 8, 2020, in which to complete the petition for writ of certiorari.

WHEREFORE, for all the foregoing reasons of good cause, Robert Epstein, Assistant Federal Defender, on behalf of the Federal Community Defender Office for the Eastern District of Pennsylvania, and on behalf of Thomas Hopes, Petitioner, respectfully requests that this Court grant this motion for a 30-day extension of time for filing of the petition for writ of certiorari and order that this petition be filed on or before April 8, 2020.

Respectfully submitted,

/s/ Robert Epstein
ROBERT EPSTEIN
Assistant Federal Defender

CERTIFICATE OF SERVICE

I, Robert Epstein, Assistant Federal Defender, Federal Community Defender Office for the Eastern District of Pennsylvania, hereby certify that I have served a copy of the *Application for Extension of Time for Filing Petition for Writ of Certiorari* upon Assistant United States Attorney Donovan Cocas, by first class U.S. mail, postage prepaid, to his office located at the United States Attorney's Office, Joseph F. Weis, Jr. U.S. Courthouse, 700 Grant Street, Suite 4000, Pittsburgh, PA, 15216, and upon the Office of the Solicitor General, by first class U.S. mail, at Department of Justice, Room 5614, 950 Pennsylvania Avenue, N.W., Washington, D.C. 20530-0001.

/s/ Robert Epstein
ROBERT EPSTEIN
Assistant Federal Defender

Date: February 27, 2020