

No. _____

IN THE
SUPREME COURT OF THE UNITED STATES

COVIA DZELL SMITH,
Petitioner,

v.

UNITED STATES OF AMERICA,
Respondent.

ON PETITION FOR WRIT OF CERTIORARI
TO THE UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

MOTION FOR LEAVE TO EXCEED
WORD LIMITS IN PETITION FOR
DISCRETIONARY REVIEW

Paul K. Sun, Jr.
Counsel of Record
Kelly Margolis Dagger
Ellis & Winters LLP
Post Office Box 33550
Raleigh, North Carolina 27636
(919) 865-7000
Counsel for Petitioner
Covia Dzell Smith

**MOTION FOR LEAVE TO EXCEED WORD LIMITS IN PETITION FOR
DISCRETIONARY REVIEW**

For the reasons stated below, Appellant Covia Dzell Smith respectfully moves for leave to file a petition for writ of certiorari in excess of the word limit set forth in Supreme Court Rule 33.1(g)(i), not to exceed 12,000 words.

1. After a jury trial, Mr. Smith appealed his convictions and sentence to the United States Court of Appeals for the Fourth Circuit. Mr. Smith argued on appeal that the district court made evidentiary errors that denied him a fair trial, that the district court imposed a substantively unreasonable sentence, and that his trial counsel provided constitutionally ineffective assistance at trial and sentencing. The Fourth Circuit rejected these arguments in an unpublished opinion.

2. At Mr. Smith's request, the undersigned appointed counsel prepared a petition for writ of certiorari. In addition to including all arguments Mr. Smith raised on appeal to the Fourth Circuit, counsel also included an argument challenging the application of the career offender Guideline to Mr. Smith, based on a newly decided Fifth Circuit case unavailable at the time of Mr. Smith's Fourth Circuit appeal.

3. Given the number and complexity of issues raised in the petition for writ of certiorari, including issues about trial and sentencing, as well as trial counsel's ineffective assistance, Mr. Smith reasonably requires leave to exceed the word limitation to file a petition not longer than 12,000 words, exclusive of those portions not included in the word limitation by this Court's rules. This expansion

of the word limitation will allow the undersigned counsel, consistent with Mr. Smith's desires, to raise all available issues in the petition.

For the reasons stated above, Mr. Smith respectfully requests that the Court grant this motion and accept his petition for writ of certiorari filed on 29 March 2021.

Paul K. Sun, Jr
Paul K. Sun, Jr.
N.C. State Bar No. 16847
Kelly Margolis Dagger
N.C. State Bar No. 44329
ELLIS & WINTERS LLP
Post Office Box 33550
Raleigh, North Carolina 27636
Telephone: (919) 865-7000
Facsimile: (919) 865-7010

Counsel for Petitioner Covia Dzell Smith