

IN THE
SUPREME COURT OF THE UNITED STATES

KENNETH HAIRSTON,

Petitioner :

:

v. :

: NO. 21-5515

:

COMMONWEALTH OF PENNSYLVANIA,

:

Respondent :

MOTION FOR EXTENSION OF TIME

AND NOW, comes the Commonwealth of Pennsylvania, by its Attorneys, STEPHEN A. ZAPPALA, JR., District Attorney of Allegheny County, and FRANCESCO L. NEPA, Assistant District Attorney, and respectfully requests an extension of time within which to file its respondent's brief in opposition in the above-captioned case, for the following reasons:

1. A petition for writ of certiorari in this matter, a capital case, was filed on August 24, 2021 and placed on the docket on August 30, 2021, resulting in a due date of September 29, 2021 for the respondent's brief in opposition.

2. Although the petitioner, on his proof of service page, indicates that a copy of the petition was served on the Commonwealth by first-class mail on the date of filing, the petition was never received by the Allegheny County Office of the District Attorney, nor did the Commonwealth ever receive any electronic notification that such a petition had been filed.

3. As a result, the Commonwealth and undersigned counsel did not become aware of the petition until earlier today when Danny Bickell of this Honorable Court's Office of the Clerk telephoned the District Attorney's Office.

4. Given the set of circumstances outlined here, the Commonwealth would ask that it be given thirty (30) days from the date of the instant motion to file its respondent's brief in opposition.

5. This proposed extension of time is not intended to prejudice the petitioner, and the Commonwealth does not believe that it will result in any prejudice to him.

WHEREFORE, for the foregoing reasons, the Commonwealth of Pennsylvania respectfully requests an extension of time of thirty (30) days, or until November 18, 2021.

Respectfully submitted,

STEPHEN A. ZAPPALA, JR.
DISTRICT ATTORNEY

/s/Francesco L. Nepa
FRANCESCO L. NEPA
ASSISTANT DISTRICT ATTORNEY
PA I.D. No. 78939

Attorneys for Appellant

Dated: October 19, 2021

