

IN THE UNITED STATES SUPREME COURT OF APPEALS

No. _____

GERALD WAYNE JAKO, JR.,
PETITIONER

VS.

STATE OF WEST VIRGINIA,
RESPONDENT

MOTION TO EXTEND PETITION DEADLINE

COMES Now the Petitioner, Gerald Wayne Jako, Jr., *pro se*, to move this Honorable Court by and through Chief Justice John G. Roberts, Jr., Circuit Justice for the Fourth Circuit, to GRANT a sixty (60) day extension of time to file his Petition for Certiorari pursuant to Rule 13(5) of the Rules of the Supreme Court of the United States (2019). In support of this motion, Petitioner avers the following:

On October 18, 2019, the Circuit Court of Ohio County, West Virginia entered a final sentencing order against Petitioner sentencing him to 100 years of incarceration following his conviction of First-Degree Robbery after a four day jury trial. Thereafter, Petitioner filed an appeal with the West Virginia Supreme Court of Appeals. On June 2, 2021, in a 4-1 decision, the West Virginia Supreme Court affirmed Petitioner's conviction. The unpublished opinion affirming Petitioner's conviction is attached herewith as Appendix A. Justice Wooton's dissent is attached herewith as Appendix B. The Denial of Rehearing is attached herewith as Appendix C.

Petitioner is in need of a rehearing because he is not knowledgeable in the law and requires the assistance of another inmate to make his court filings. However, Mount Olive

Correctional Complex & Jail, the facility where Petitioner currently resides, is under a COVID protocol lock down. Petitioner recognizes that he still has, as of the date of this motion, approximately seventy (70) days to file a Certiorari. However Petitioner is still trying to obtain documents from the Circuit Court of Ohio County West Virginia to support his petition, and this process is going to be hindered by the lock down.

THEREFORE the Petitioner humbly requests a sixty (60) day extension of time to file his Petition for Writ of Certiorari, as well as any other relief deemed just and proper. The Petitioner understands that this Honorable Court will act within the confines of justice.

Respectfully Submitted,
Gerald Wayne Jako, Jr., *pro se*

Gerald Jako Jr. 12/17/21

Gerald Wayne Jako, Jr.
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