

No. A-_____

In the Supreme Court of the United States

Rogelio Albino Diaz-Tomas and Edgardo Gandarilla Nunez,

Petitioners,

v.

North Carolina

Respondent.

**Application for an Extension of Time to File a Petition for a
Writ of Certiorari to the North Carolina Supreme Court**

To the Honorable John G. Roberts, Jr., Chief Justice of the United States and
Circuit Justice for the Fourth Circuit:

Pursuant to Rule 13.5 of this Court, Rogelio Albino Diaz-Tomas and Edgardo
Gandarilla Nunez respectfully request a 40-day extension of time, to and including
March 14, 2023, in which to file a petition for a writ of certiorari in this Court. The
Court has jurisdiction under 28 U.S.C. § 1257.

The judgments of the North Carolina Supreme Court were entered on November
4, 2022, so the time to file a petition for a writ of certiorari currently expires on
February 2, 2023. Copies of the North Carolina Supreme Court's opinions are
attached.

This certiorari petition will consolidate two cases that raise the same issue and
were decided on the same day by the North Carolina Supreme Court. District
attorneys in North Carolina have reinstated the practice the Court held to be a
Speedy Trial Clause violation in *Klopfers v. North Carolina*, 386 U.S. 213 (1967)—the

practice of indefinitely postponing certain prosecutions over the objection of the accused as a means of coercing guilty pleas. Below, the North Carolina Supreme Court erroneously rejected petitioners' arguments that this practice is inconsistent with the Speedy Trial and Due Process Clauses.

Good cause exists for an extension of time to prepare a certiorari petition in this case. Undersigned counsel of record was not involved in these cases in the lower courts. Counsel needs time to familiarize himself with the full record in both cases and to conduct the research necessary for the preparation of the certiorari petition.

For these reasons, we request a 40-day extension of time, to and including March 14, 2023, in which to file a petition for a writ of certiorari.

Respectfully submitted,



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