

App No. _____

In The
Supreme Court of the United States

JHESHUA JACKSON

Applicant,

v.

STATE OF COLORADO

Respondents.

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

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TO THE HONORABLE NEIL M. GORSUCH, ASSOCIATE JUSTICE OF THE SUPREME COURT OF THE UNITED STATES AND CIRCUIT JUSTICE FOR THE TENTH CIRCUIT:

Pursuant to Rule 13.5 of the Rules of this Court, Applicant Jheshua Daniel Jackson hereby requests a 60-day extension of time within which to file a petition for a writ of certiorari, up to and including Thursday, December 22, 2022. Applicants have consulted opposing counsel and opposing counsel does not object to this request.

In support thereof, Mr. Jackson states as follows:

1. Mr. Jackson was convicted of one count each of identity theft, criminal possession of a financial device, theft, and trespass. The Larimer County District Court proceeded to sentence him to four years of supervised probation on the identity theft count with 180 days of work release, and to concurrent work release sentences on the remaining charges. (Ex. A at 3)

2. The Colorado Court of Appeals affirmed Mr. Jackson's conviction on September 2, 2021. (Ex. A at 39). Thereafter, Mr. Jackson applied for a writ of certiorari from the Colorado Supreme Court. State-level certiorari was denied on July 25, 2022. (Ex. B).

3. Mr. Jackson's case raises important questions under the Sixth and Fourteenth Amendments of the U.S. Constitution regarding, among other things, the right of a criminal defendant to counsel at all critical stages of his criminal case, and the right to confront the witnesses against him. Accordingly, Mr. Jackson intends to file a petition for a writ of certiorari with this Court, seeking review of these constitutional issues.

JUDGMENT FOR WHICH REVIEW IS SOUGHT

The judgment for which review is sought is *Jackson v. People*, No. 21SC754, 2022 Colo. LEXIS 677 (July 25, 2022), attached hereto as Exhibit B of this Application. In that decision, issued on July 25, 2022, the Supreme Court of Colorado denied Mr. Jackson's petition for a writ of certiorari. The Colorado Court of Appeals, in its affirmation of Mr. Jackson's criminal conviction, provided the legal reasoning which the Colorado Supreme Court concurred. (Ex. A).

JURISDICTION

This Court has jurisdiction over any timely filed petition for a writ of certiorari in this case pursuant to 28 U.S.C. § 1257(a). Under Rules 13.1, 13.3, and 30.1 of the Rules of this Court, a petition for a writ of certiorari is due to be filed on or before October 24, 2022 (i.e., 90 days from the date on which the Colorado Supreme Court denied certiorari in Mr. Jackson's case). In accordance with Rule 13.5, this application is being filed more than 10 days in advance of the filing date for the petition for a writ of certiorari.

REASONS JUSTIFYING AN EXTENTION OF TIME

Mr. Jackson retained undersigned Counsel on Wednesday, September 27, 2022. Counsel is in the process of reviewing the record and preparing Mr. Jackson's certiorari petition while simultaneously attending to multiple pending deadlines between now and October 24, 2022.

First, Counsel must file a reply brief to this Court in *Banerian v. Benson*, No. 22-92 (U.S. Jurisdictional Statement filed July 28, 2022), which is due October 14, 2022.

Second, Counsel has pending discovery deadlines in *Petteway, et al. v Galveston County, et al.* No. 22-cv-57 (S.D. Tex.). In that case, Counsel must begin producing documents on October 18, 2022.

Third, Counsel has a pending emergency rule challenge in *His House, Inc., a Florida Not for Profit Corporation, d/b/a His House Children's Home v Department of Children and Families*. No. 22-2842RE. In that case, a hearing is scheduled for October 27 and 28, 2022.

Fourth, Counsel is also representing the New York City Board of Elections in a case pending in the Eastern District of New York, *Coachman v. New York City Board of Elections*, No. 1:22-cv-05123 (E.D.N.Y.). This case is in the early stages (counsel noticed his appearance on October 7, 2022), and the Court is in the process of scheduling motions deadlines.

Accordingly, the time granted under Supreme Court Rule 13 for counsel to adequately assess the factual record, research the legal issues, and draft the petition for certiorari, is insufficient. A 60-day extension will allow counsel to have sufficient time to prepare Mr. Jackson's petition.

On September 27, 2022, counsel for Mr. Jackson conferred with the Colorado Senior Assistant Attorney General regarding the instant Application for a 60-day extension. The State of Colorado has no objections to a 60-day extension.

CONCLUSION

Accordingly, Applicant respectfully requests that an order be entered granting the time to file a petition for a writ of certiorari for 60 days, up to and including December 22, 2022.

Dated: October 11, 2022

Respectfully submitted,



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Certificate of Service

Pursuant to Rule 29.5(b), undersigned counsel certifies that the Applicant has filed the foregoing with this Court in both electronic and in paper format. Undersigned counsel further certifies that the foregoing has been served on all counsel of record at the address below via overnight delivery service.

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Dated October 11, 2022



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