

Docket Number:
IN THE SUPREME COURT OF THE UNITED STATES
October, 2022

JAMES HOWARD SHAUL,
Petitioner,

v.

SHERMAN CAMPBELL,
Respondent.

On Petition for Writ of Certiorari to the Sixth Circuit Court of Appeals
No. 22-1073

MOTION FOR EXTENSION OF TIME TO FILE WRIT OF CERTIORARI

Petitioner, James Shaul, respectfully states:

1. In 2015, by way of jury, Petitioner was found guilty of and sentenced to 1st degree Criminal Sexual Conduct, MCL 750.520b(1)(g) (60-90 years); 1st degree Vulnerable Adult Abuse, MCL 750.145n(1) (3 years 10 months-15 years); 4th Degree Criminal Sexual Conduct (3 years 10 months-15 years); and violation of Sexual Offender's Registration Act, MCL 28.735(2)(a), (12 months jail).

2. Petitioner filed his timely direct appeal and in 2016 the Michigan Court of Appeals vacated the conviction of Criminal Sexual Conduct 1st degree and the sentence of 60-90 years, and remanded back to the trial court for resentencing (OV's were also scored in error).

3. In 2017, the Michigan Supreme Court affirmed the decision by the Michigan Court of Appeals.

4. In 2018, Petitioner was resentenced to 19-28 years for the charge of 1st degree Vulnerable Adult Abuse which was an increase of 182 months to the minimum for the same charge he was initially sentenced to 3 years, 10 months.

5. In 2019, Petitioner appealed that sentence asserting vindictiveness by the

sentencing judge. The Michigan Court of Appeals remand for resentencing and the trial court had to state with specificity its reason for imposing the same or different sentence.

6. In 2019, the trial court resentenced Petitioner to the same 19-28 years, but included a reason why the court sentenced Petitioner to 182 months more than the initial sentence.

7. In September 2020, Petitioner appealed that decision by the trial court, but the Michigan Court of Appeals affirmed the decision.

8. In 2021, Petitioner appealed the Court of Appeals decision to the Michigan Supreme Court which affirmed the decision.

9. In December 2021 Petitioner timely filed his Federal Habeas Corpus (1:21-cv-1010), the Court ultimately denied his petition and Certificate of Appealability.

10. August 17, 2022, Petitioner filed in the Sixth Circuit Court of Appeals for a Certificate of Appealability, but the Court denied Petitioner's request.

11. Now Petitioner comes to the United States Supreme Court seeking an extension of time to file his Writ of Certiorari.

12. Because the Sixth Circuit Court of Appeals denied Petitioner's appeal on August 17, 2022, Petitioner has until November 15, 2022 to file his Writ of Certiorari in this Court.

13. On September 6, 2022, Gus Harrison Correctional Facility, the facility Petitioner is housed at, was put on outbreak status due to the rise in COVID cases. During this time all call-outs, including school, leisure time activities, and law library was closed.

14. The facility recently opened back up, but now there are mass transfers due to the level one prison closure and it has been difficult to get the time needed for research.

15. Through no responsibility of his own, Petitioner asks this Court to grant

an extension of 30-45 days to file his Writ of Certiorari. Petitioner recently requested an application from the Court Clerk, but as of today has not received it.

16. Per Supreme Court Rule 30, Petitioner has to file for extension at least 10 days before his filing date. Petitioner's final filing date is November 15, 2022.

For these reasons, Petitioner respectfully requests that this Court grant an extension of 30-45 days to file his Writ of Certiorari in this United States Supreme Court.

Date: 10-27-2022

James Shaul
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11/17/22
6:41 PM