

App. No. _____

In The
Supreme Court of the United States

Ronen Nahmani,

Petitioner,

v.

United States of America,

Respondent.

PETITIONER'S APPLICATION TO EXTEND TIME
TO FILE PETITION FOR A WRIT OF CERTIORARI

To the Honorable Clarence Thomas, as Circuit Justice for the United States Court of Appeals
for the Eleventh Circuit:

Petitioner Ronen Nahmani respectfully requests that the time to file a Petition for a Writ of Certiorari in this case be extended for thirty days to February 20, 2018. The court of appeals issued its opinion on August 11, 2017. App. A, *infra*. Petitioner timely filed petition for rehearing on September 1, 2017. App. B, *infra*. The court denied Petitioner's motion for rehearing on October 24, 2017. App. C, *infra*. Absent an extension of time, the petition would be due on January 22, 2018. Petitioner is filing this Application at least thirty (30) days before that date. *See* S.Ct. R. 13-5. The jurisdiction of this Court is invoked under 28 U.S.C. § 1254(1).

Background

Petitioner seeks review of the decision of the United States Court of Appeals for the Eleventh Circuit based on substantial questions relating to constitutional limitations on the imposition of sentence for an offense not charged in the indictment or found by the jury. The decision below also raises a question left unresolved in the Court's decision in *McFadden v. United States*, No. 14-378, 135 S.Ct. 2298 (2015) regarding the mens rea element in a prosecution of a controlled substance analogue offense. The record includes extensive and complex evidence concerning the chemical analysis of substances that the government sought to show were analogues of controlled substances. The issues regarding the sufficiency of the indictment, the permissibility of the penalties imposed, the absence of a unanimous verdict, and the statutory elements of an analogue offense require substantial legal research and review by counsel including on issues as to which the circuits are in conflict. Hence, petitioner seeks this extension of time.

Reasons For Granting An Extension Of Time

The time to file a Petition for a Writ of Certiorari should be extended for thirty days for the following reasons:

1. Due to case-related and other reasons additional time is necessary and warranted for counsel to research the decisional conflicts, and prepare a clear, concise, and comprehensive petition for certiorari for the Court's review.
2. The press of other matters makes the submission of the petition difficult absent an extension. Counsel presently faces appellate filing deadlines in numerous cases from

December 20, 2017 to January 20, 2018, including Eleventh Circuit Nos. 17-15425, 17-13545, 17-13085, 17-13068, 16-17416, and Second Circuit No. 13-3213.

3. The forthcoming petition is likely to be granted in light of, among other things, the need to address the exceeding of constitutional statutory limits in convicting Petitioner of an offense as to which the jury did not unanimously agree and imposing a sentence of 20 years imprisonment where, at most, only a sentence of five years imprisonment would have been authorized.

Conclusion

For the foregoing reasons, the time to file a Petition for a Writ of Certiorari in this matter should be extended thirty days to and including February 20, 2018.

Respectfully submitted,

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