

No. 17-_____

IN THE SUPREME COURT OF THE UNITED STATES

LARRY W. NEWTON, JR.,

Petitioner,

-v-

STATE OF INDIANA,

Respondent.

**MOTION FOR EXTENSION OF TIME TO FILE
PETITION FOR WRIT OF CERTIORARI TO
THE SUPREME COURT OF INDIANA**

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TO THE HONORABLE ELENA KAGAN, Associate Justice of the Supreme Court of the United States, and Circuit Justice for the United States Court of Appeals for the Seventh Circuit:

COMES NOW the Petitioner, Larry W. Newton, by and through undersigned counsel, and pursuant to 28 U.S.C. § 1257(a) and Supreme Court Rule 13.5, respectfully requests an extension of time of 45 days within which to file his Petition for Writ of Certiorari to the Supreme Court Indiana. The decisions he seeks to have reviewed are the decision of the Indiana Court of Appeals filed on September 16, 2017 and the order of the Supreme Court of Indiana declining to review the decision on December 19, 2017. The case concerns Mr. Newton's

sentence of life without possibility of parole for a juvenile offense. *Newton v. State*, 83 N.E.3d 726 (Ind. Ct. App. 2017) (attached as Appendix A) *pet. to transfer denied* 2017 Ind. LEXIS 942 (Ind. Dec. 19, 2017) (attached as Appendix B). Counsel for the State, Ellen Meilaender, has indicated that she has no objection to this request.

Mr. Newton's time to petition for a Writ of Certiorari in this Court expires on Monday, March 19, 2018. Petitioner shows the following good cause in support of this request:

1. Undersigned counsel Mills recently agreed to undertake Mr. Newton's representation at this court pro bono. Although he is expeditiously working to get up to speed on the case, he is still familiarizing himself with the record and determining which issues to bring to this Court's attention.

2. In addition to this case, Mills is counsel of record in a capital habeas corpus case with a jurisdictional deadline of March 29. Competently completing the petition in that case requires extending the deadline here. Moreover, Mills is expecting leave for several weeks of parental leave starting imminently. In light of these obligations, a short extension is warranted.

3. A Petition for Writ of Certiorari is essential as there are a number of federal constitutional issues that were not properly adjudicated by the Indiana courts and which resulted in a violation of Mr. Newton's rights. Undersigned counsel can adequately present these issues to this Court only upon the receipt of further time to adequately prepare. Accordingly, counsel respectfully requests that this Court grant an extension.

WHEREFORE, undersigned counsel respectfully requests an extension of time of forty-five days within which to file the Petition for Writ of Certiorari, up to and including Thursday, May 3, 2018.

Dated: This the 5th day of March 2018.

Respectfully submitted,



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