

CASE NO. _____ (CAPITAL CASE)

IN THE SUPREME COURT OF THE UNITED STATES

CHARLES RUSSELL RHINES,
Petitioner,

v.

STATE OF SOUTH DAKOTA,
Respondent.

On Petition for a Writ of Certiorari to
The Supreme Court of the State of South Dakota

APPLICATION FOR AN EXTENSION OF TIME FOR THE FILING OF
PETITION FOR WRIT OF CERTIORARI TO THE
SUPREME COURT OF THE STATE OF SOUTH DAKOTA

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*Counsel for Petitioner, Charles Russell
Rhines*

Dated: March 19, 2018

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

PETITIONER, Charles Russell Rhines, through undersigned counsel, respectfully applies for an extension of thirty (30) days to prepare and file his Petition for Writ of Certiorari to seek review of two orders of the Supreme Court of the State of South Dakota, *South Dakota v. Rhines*, S.D. No. 28444 (S.D. January 2, 2018) (Appendix A), and *South Dakota v. Rhines*, S.D. No. 28460 (S.D. January 2, 2018) (Appendix B). In support thereof, Petitioner respectfully submits as follows:

1. This is a capital case. This Court has jurisdiction pursuant to 28 U.S.C. § 1257(a). Petitioner intends to seek certiorari review of the South Dakota

Supreme Court's judgment entered on January 2, 2018, denying Petitioner's motion for relief from the trial court's judgment in light of *Pena-Rodriguez v. Colorado*, — U.S. —, 137 S. Ct. 855, 197 L. Ed. 2d 107 (2017), and the South Dakota Supreme Court's dismissal that same day of Petitioner's appeal from the trial court's denial of a motion for Petitioner's mental health experts to be permitted access to visit and evaluate him. Pursuant to Rule 13 of the Rules of the Supreme Court of the United States, Petitioner may file a writ of certiorari within 90 days after entry of a judgment, i.e., by April 2, 2018.

2. Undersigned counsel is a member of a defender services office responsible for numerous capital cases that have competing deadlines, including statutory deadlines, in various federal and state courts this spring.

3. Under these circumstances, the undersigned most respectfully requests that the Court grant this Application and extend the date on which to file the Petition for Writ of Certiorari by thirty (30) days, from April 2, 2018, to May 2, 2018.

4. In accordance with this Court's Rule 13.5, this request is made more than ten (10) days prior to the deadline for filing the petition and is timely.


5. There is no execution warrant pending and, thus, the grant of this extension request will not delay the litigation of this case or cause prejudice to the State. In fact, Petitioner's appeal from the denial of his first petition for habeas corpus currently is pending before the U.S. Court of Appeals for the Eighth Circuit.

The issues to be raised arising from collateral state court litigation have not delayed or impacted the progress of that appeal.

6. This request is made in good faith and not predicated on an intent to delay the resolution of this litigation.

WHEREFORE, Petitioner prays that the Court allow a thirty (30) day extension for the preparation and filing of this Petition for Writ of Certiorari.

Respectfully submitted,



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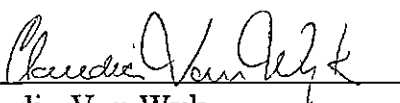
Counsel for Petitioner, Charles Russell Rhines

Dated: March 19, 2018

CERTIFICATE OF SERVICE

I, Claudia Van Wyk, certify that on this date, I caused a copy of the foregoing *Motion for Extension of Time for the Filing of Petition for Writ of Certiorari* to be served by first class mail, postage prepaid upon the following person:

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Dated: March 19, 2018