
IN THE SUPREME COURT OF THE UNITED STATES

JEFFREY MONTREAL CURRY

Applicant,

v.

PAUL KLEE, Warden

Respondent

**APPLICATION FOR AN EXTENSION OF THE TIME WITHIN WHICH
TO FILE A PETITION FOR A WRIT OF CERTIORARI TO THE UNITED
STATES COURT OF APPEALS FOR THE SIXTH CIRCUIT**

BY: DESIREE M. FERGUSON (P34904)
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Pursuant to 28 U.S.C. § 2101(c) and Rule 13.5 of the Rules of this Court, applicant Jeffrey Curry respectfully requests a 60-day extension of time, to and including May 10, 2018, within which to file a petition for a writ of certiorari in this case.

The Sixth Circuit Court of Appeals issued an unpublished order affirming Mr. Curry's convictions on December 19, 2017. A copy of the opinion is attached. Unless extended, the time to file a petition for a writ of certiorari will expire on March 19, 2018. The jurisdiction of this Court will be invoked under 28 U.S.C. § 1254(1).

1. This case arises out of the shooting death of Dedrick Jackson on July 12, 2006 in Saginaw, Michigan. Mr. Curry maintains that he was attacked by the decedent and shot him in self-defense.

2. Mr. Curry was convicted at a jury trial and sentenced as follows: 25 to 50 years for second degree murder¹, 40 months to five years for carrying a concealed weapon², and 16 to 24 months for resisting and obstructing a police officer³, all consecutive to two years for possession of a firearm during the commission of a felony⁴.

3. The prosecution's case rested heavily on the introduction of a confession elicited during a custodial police interrogation, in which Mr. Curry admitted to the shooting, albeit in self-defense. But the confession also contained many other assertions which harmed Mr. Curry and undermined his credibility with the jury.

4. Throughout the state court proceedings, and in pursuit of a writ of habeas corpus in federal court, Mr. Curry has asserted that his Fifth and Fourteen Amendment Rights to due process and against compelled self-incrimination were violated by the admission of the

¹ Mich. Comp. Laws § 750.317

² Mich. Comp. Laws § 750.227

³ Mich. Comp. Laws § 750.81d

⁴ Mich. Comp. Laws § 750.227b

confession because (a) the confession was involuntary, where it was taken immediately after drug and alcohol intoxication, sleep deprivation, serious physical injuries inflicted by police and the deliberate withholding of medical treatment; and (b) police elicited the confession without advising Mr. Curry of his rights under *Miranda v. Arizona*, 384 U.S. 436 (1966).

5. The District Court and the Sixth Circuit Court of Appeals refused to issue a writ of habeas corpus.

6. The Court of Appeals rejected the involuntariness issue, based on finding that the interrogating officers told Mr. Curry he could stop talking whenever he wanted, and that when he ultimately was given medical attention his injuries not found to be serious. But this does not negate the fact that the officers affirmatively told Mr. Curry that he would not be taken to the hospital until they were finished interrogating him, which, along with the other matters undermining voluntariness, rendered his confession inadmissible.

7. The Court of Appeals rejected the *Miranda* issue based on the fact that this Court's plurality opinion in *Missouri v. Siebert*, 542 U.S. 600 (2004) is not binding authority for purposes of habeas review. But Mr. Curry did not rely solely on *Siebert*. In the Brief, and especially at oral argument, Mr. Curry relied principally on *Oregon v. Elstad*, 470 U.S. 298 (1985). Based on the holding of *Elstad*, Mr. Curry's pre- and post-*Miranda* confessions both should have been excluded from his trial.

8. Good cause exists for an extension of time to prepare a petition for a writ of certiorari in this case. Undersigned counsel has been working diligently to prepare a petition for certiorari, but significant professional and personal obligations have interfered with her ability to develop a strategy and to draft the petition. Counsel maintains a caseload with frequent deadlines in state court appellate litigation. Furthermore, in the event that counsel finds that her

other commitments simply will not permit her to file a petition in this case, it is necessary to leave Mr. Curry with enough time to file the petition *in propia persona*.

For the foregoing reasons, the application for a 60-day extension of time, to and including May 10, 2018, within which to file a petition for a writ of certiorari should be granted.

Respectfully submitted,

STATE APPELLATE DEFENDER OFFICE,

A handwritten signature in black ink, appearing to read "Desiree M. Ferguson", with a stylized flourish at the end.

By

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