

No. _____

IN THE
SUPREME COURT OF THE UNITED STATES

SHAUN GRAVES,
Applicant/Petitioner,

v.

UNITED STATES OF AMERICA,
Respondent.

**APPLICATION FOR EXTENSION OF TIME TO FILE
PETITION FOR WRIT OF CERTIORARI
TO THE UNITED STATES COURT OF APPEALS
FOR THE THIRD CIRCUIT**

To the Hon. Samuel A. Alito, Jr., Associate Justice of the Supreme Court of the United States and Circuit Justice for the Third Circuit:

Pursuant to Rule 13.5 of the Rules of this Court, Applicant/Petitioner Shaun Graves hereby prays for a 30-day extension of time to file his petition for writ of certiorari in this Court, from the current date of May 10, 2018, to and including June 11, 2018.

JUDGMENT FOR WHICH REVIEW IS SOUGHT

Applicant/Petitioner Graves seeks review of the Order of the U.S. Court of Appeals for the Third Circuit in *United States v. Shaun Graves*, No. 16-3995 (3d Cir. February 9, 2018), attached as Exh.1.

JURISDICTION

Pursuant to 28 U.S.C. § 1254(1), this Court has jurisdiction over any timely filed petition for certiorari in this case. The Order of the United States Court of Appeals for the Third Circuit was filed on February 9, 2018. Under Rules 13.1, 13.3, and 30.1 of the Rules of this Court, a petition for writ of certiorari is due to be filed on or before May 10, 2018. In accordance with Rule 13.5, this Application, dated April 23, 2018 is being filed more than 10 days in advance of the filing date for a petition for writ of certiorari.

REASONS JUSTIFYING AN EXTENSION OF TIME

Applicant/Petitioner Graves respectfully requests a 30-day extension of time to file a petition for writ of certiorari seeking review of the Order of the United States Court of Appeals for the Third Circuit in this case, to and including June 11, 2018, for the following reasons:

1. This Application seeks an extension of time to file a petition for writ of certiorari because it has become apparent that the legal issue in this petition is substantially more complicated than initially anticipated, particularly as it involves the currently contentious arguments and rapidly shifting case law surrounding the definition of prior “crimes of violence” as defined in various state courts, and their effect in federal sentencing.

2. Further, filing on May 10 would be problematic for undersigned counsel because in the five-week period between April 16 and May 24, 2018, counsel will be otherwise fully occupied, currently scheduled to file in the Third Circuit Court of Appeals, the following matters on the following dates:

- (1) *U.S. v. Paige*, No. 18-1039 Opening Brief – filed April 16
- (2) *U.S. v. Nelson*, No. 17-3788. Opening Brief – to be filed April 26
- (3) *U.S. v. Mentzer*, No. 18-1501. Opening Brief – to be filed May 10
- (4) *U.S. v. Sanders*, No. 18-1412. Opening Brief – to be filed May 16
- (5) *U.S. v. Miles*, No. 18-1491 Opening Brief – to be filed May 24
- (6) *U.S. v. Eden*, No. 17-2510 Possible Oral Argument, May 24

3. Finally, counsel respectfully seeks the Court’s indulgence because for the past several months—since the new Chief Federal Public Defender for the Middle District of Pennsylvania, Heidi R. Freese, Esq.,

chose undersigned counsel to assume the position of First Assistant Federal Public Defender—counsel has had to assume various new administrative and managerial responsibilities without any decrease in case workload. This has made meeting filing deadlines during this period highly burdensome, considering the time required to properly represent current clients. (A recent new hire will ameliorate this problem going forward.)

4. Recognizing fully that the Court disfavors extensions of time, counsel respectfully submits that granting an additional 30 days to file Applicant/Petitioner's Petition for Writ of Certiorari will serve the interests of justice, by permitting counsel to better assist the Court in adjudicating this matter with thoroughly researched and cogently presented arguments.

5. Applicant/Petitioner Graves has at all times been represented in the courts below by the Office of the Federal Public Defender, Middle District of Pennsylvania, and specifically on appeal by undersigned counsel, Ronald A. Krauss, Esq., First Assistant Federal Public Defender, a member of the Bar of this Court.

CONCLUSION

WHEREFORE, for the foregoing reasons, Applicant/Petitioner Shaun Graves respectfully prays that the Court grant this Application entering an order extending his time to file a petition for writ of certiorari for 30 days, to and including June 11, 2018.

Respectfully submitted,

HEIDI R. FREESE, ESQ.
Federal Public Defender
Middle District of Pennsylvania

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Shaun Graves*

Dated: April 23, 2018

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**CERTIFICATE OF SERVICE
OF APPLICATION FOR EXTENSION OF TIME TO FILE
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TO THE UNITED STATES COURT OF APPEALS
FOR THE THIRD CIRCUIT**

I, Ronald A. Krauss, Esq., a member of the Bar of this Court, hereby certify that on this 23rd day of April 2018, copies of the foregoing Application for Extension of Time to File Petition for Writ of Certiorari to the United States Court of Appeals for the Third Circuit in the above-captioned case were mailed, first class postage prepaid, and/or hand-delivered, to the following:

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MR. SHAUN GRAVES

Applicant/Petitioner

Respectfully submitted,

Ronald A. Krauss
RONALD A. KRAUSS, ESQ.

Date: April 23, 2018