

No. 17A965 *** CAPITAL CASE ***

IN THE SUPREME COURT OF THE UNITED STATES

COMMONWEALTH OF PENNSYLVANIA,
Petitioner

v.

RODERICK JOHNSON,
Respondent

On Petition for Writ of Certiorari to the
Supreme Court of Pennsylvania

UNOPPOSED APPLICATION FOR PETITION FOR WRIT OF CERTIORARI
TO EXCEED WORD LIMITATION BY 139 WORDS

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OFFICE OF THE CLERK
SUPREME COURT, U.S.

Pursuant to Rule 33(d) of the Supreme Court of the United States, the Commonwealth of Pennsylvania (“the Commonwealth”) hereby respectfully files this unopposed application for leave to file its petition for writ of certiorari with 139 words in excess of the word limitation set forth in Rule 33(g) in *Commonwealth of Pennsylvania v. Roderick Andre Johnson*. In support thereof, the Commonwealth avers the following:

1. On March 5, 2018, the Commonwealth filed an application to extend the time for filing a petition for writ of certiorari from March 19, 2018 to April 18, 2018.

2. On March 13, 2018, the application was graciously granted by the Honorable Samuel Alito, extending the time to file until April 18, 2018.

3. On April 17, 2018, the Commonwealth filed an application to extend further the time from April 18, 2018 to April 25, 2018.

4. On April 17, 2018, the application was graciously granted by the Honorable Samuel Alito, extending the time to file until April 25, 2018.

5. Today, April 25, 2018, the Commonwealth is filing its petition for writ of certiorari seeking review of the Supreme Court of Pennsylvania’s December 19, 2017 judgment affirming a grant of collateral review relief in the form of a new trial for a convicted first-degree murderer sentenced to death.

6. The petition for writ of certiorari is 139 words in excess of the 9,000 word limitation set forth in Rule 33(g) of the Supreme Court of the United States.

7. Although the petition for writ of certiorari was originally in excess of 10,000 words, undersigned counsel reduced it to 9,139 words.

8. The petition relates to a double-homicide capital murder case that has been litigated for the past 21 years in the state and federal courts.

9. The procedural history is extraordinarily lengthy and complex.

10. The relevant facts are extraordinarily lengthy and complex.

11. Undersigned counsel respectfully certifies that he has reduced the word count as much as possible consistent with the requirement that the petition be filed by April 25, 2018.

12. For these reasons, the Commonwealth respectfully requests pursuant to Rule 33(d) of the Supreme Court of the United States that the Court find good cause to permit the Commonwealth's petition to exceed the word limitation by 139 words.

13. Undersigned counsel has communicated with counsel for Respondent, David Zuckerman, Esquire, regarding the instant application and has been informed by Attorney Zuckerman that Respondent Roderick Johnson does not oppose the application.

WHEREFORE, the Commonwealth of Pennsylvania hereby respectfully requests this Honorable Court to grant leave to file its petition for writ of certiorari with 139 words in excess of the word limitation set forth in Rule 33(g) in *Commonwealth of Pennsylvania v. Roderick Andre Johnson*.

Respectfully submitted,

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Date: April 25, 2018