

NO. _____

IN THE SUPREME COURT OF THE UNITED STATES

SAMUEL A. ROSSE III, PETITIONER

V.

UNITED STATES OF AMERICA, RESPONDENT

Unopposed Application for Extension of Time
to File Petition for a Writ of Certiorari

To the Honorable Elena Kagan, Associate Justice of the Supreme Court of the
United States and Circuit Justice for the Sixth Circuit:

Samuel Rosse, who was sentenced to twenty-seven years in the federal bureau
of prisons, respectfully requests an extension of thirty (30) days, to and including
Friday, June 16, 2018, to file for a Writ of Certiorari to review the judgment of the
Sixth Circuit Court of Appeals in *USA v. Rosse*, 16-6320/6321.

Petitioner challenges the Sixth Circuit's finding that his successful speedy trial
motion should have been dismissed with prejudice and that the case should have been
dismissed due to prosecutorial vindictiveness, e.g., Rosse filed a Petition for
Rehearing and *En Banc* Rehearing before the Sixth Circuit which was denied.
Petitioner invokes this court's jurisdiction under 28 U.S.C. § 1257. The opinion of the

Sixth Circuit Court of Appeals is attached as Petitioner's Exhibit 1. In support of this request for a thirty (30) day extension, Petitioner states as following:

1. Pursuant to S. Ct. R. 13, the Petition is currently due on May 16, 2018.
2. Petitioner is filing this Application at least ten days before that date.
3. The Sixth Circuit Court of Appeals has rendered a final judgment against Petitioner.
4. At the Sixth Circuit Court of Appeals, Petitioner argued that the trial court erred by not dismissing his case with prejudice after a speedy trial violation, and that Rosse's due process rights were violated by prosecutorial vindictiveness, e.g..
5. In affirming the trial court, the Sixth Circuit Court of Appeals, for example, didn't apply or misapplied *Blackledge v. Perry*, 417 U.S. 21 (1974). Accordingly, this case presents substantial questions of federal law.
6. The Sixth Circuit Court of Appeals issued its ruling on November 22, 2017, and Petitioner requested Re-Hearing and Re-Hearing *En Banc*. The Mandate issued on February 15, 2018; thus, the Petition for Writ of Certiorari is currently due on May 16, 2018.
7. Counsel has begun the Petition; however, his responsibilities to other clients at both the trial level and the appellate level has prevented him from devoting sustained attention to the Petition herein.
8. Since February 15, 2018, counsel has prepared or helped prepare five criminal appeals at the Arkansas Court of Appeals and/or the Arkansas Supreme Court.

9. Since February 15, 2018, counsel has been appointed to over 50 new criminal cases.

10. Counsel is an attorney that frequently accepts federal and state criminal appointments; while maintaining a private practice and part-time public defender position. Undersigned counsel currently has one capital appointment assigned from the Arkansas Public Defender Commission which will be resolved on May 2, 2018.

11. Co-counsel, Patrick Benca, has been preparing for, and is currently at the end of a month long federal jury trial in Northwest Arkansas; *USA v. Jonathan E. Woods et al*, 5:17CR50010-001-003.

12. The requested extension will ensure that counsel is able to confer with co-counsel and devote the necessary attention to the Petition in this case and to present the issue in a manner that is most helpful to the Court. Though counsel is intimately familiar with the lengthy record of this case, more time is needed to further research into how other courts have treated the issue of prosecutorial vindictiveness.

13. An extension will not prejudice Respondent. Mark Erskine, counsel for Respondent, has authorized undersigned counsel to represent to the court that he does not oppose an extension of thirty (30) days, to and including Friday, June 15, 2018.

WHEREFORE, Petitioner respectfully requests that this application be granted and that the Court allow him until June 15, 2018, to file his Petition for a Writ of Certiorari.

Respectfully Submitted,



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