

No. _____

IN THE
SUPREME COURT OF THE UNITED STATES

CHARLES ALBERT MASSEY, III
Petitioner,

v.

COMMONWEALTH OF VIRGINIA,
Respondent.

On Petition for a Writ of Certiorari
to the Supreme Court of Virginia

**UNOPPOSED APPLICATION FOR 30-DAY EXTENSION OF TIME TO FILE
PETITION FOR WRIT OF CERTIORARI FROM DIRECT APPEAL**

TO THE HONORABLE JOHN G. ROBERTS, JR., CHIEF JUSTICE of
the Supreme Court of the United States and Circuit Justice for the Fourth Circuit
Court of Appeals:

Petitioner Charles Massey respectfully requests under R. 13.5 that this Court enter an Order extending the time for filing a petition for writ of certiorari in the above matter by 30 days, making Massey's petition due on or before February 5, 2018. This request is primarily because Massey now has new counsel.

In 2015 Massey was convicted of rape of his long-time girl-friend and sentenced to 52 years in prison. The state supreme court affirmed the verdicts and on October 6, 2017, denied a petition for rehearing. *Massey v. Commonwealth*, No.

170057 (Oct. 6, 2017, Sup. Ct. of VA). Pursuant to 28 U.S.C. § 1257(a), Massey intends to seek review of a claim addressed by the Supreme Court of Virginia. Under Rule 13.1, Massey's petition for writ of certiorari is due January 4, 2018. For the reasons discussed below, counsel for Massey need an extension of time of 30-days.

Massey's counsel at trial was Rod Leffler and in the state appellate courts was Patrick Blanch. Undersigned counsel Jonathan Sheldon was retained to appeal to this Court. Sheldon is in private practice. Sheldon has maintained a full docket of court appearances and deadline for filing pleadings on behalf of clients other than Massey, including several death sentenced clients. Because Sheldon is unfamiliar with the case and the deadline falls just after the holidays, Massey requests the 30-day extension of time to enable him to sufficiently prepare and file a petition for writ of certiorari. Granting this request will mean that Massey's petition is due on or before February 5, 2018.

On December 20, 2017, the Commonwealth indicated by email that they do not oppose this request. Massey will obviously remain in custody throughout certiorari litigation and so the Commonwealth will not be prejudiced.

WHEREFORE, Petitioner respectfully requests an order allowing him to file his petition for writ of certiorari on or before February 5, 2018.

Respectfully Submitted,

Counsel for Charles Massey

_____/s/_____
Jonathan P. Sheldon, VSB 66726

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**Counsel of Record*

CERTIFICATE OF SERVICE

I hereby certify that on December 20, 2017, the foregoing Motion was mailed first-class and delivered electronically to counsel for the Commonwealth, Victoria Johnson, phone: (804) 786-6515, Assistant Attorney General, at Office of the Attorney General, 202 North 9th Street, Richmond, 23219, and at oagcriminallitigation@oag.state.va.us and VJohnson@oag.state.va.us.

_____/s/_____
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