

SUPREME COURT OF THE UNITED STATES

Supreme Court Case No. _____

CLARENCE W. SEELEY, JR.,
Petitioner,

-vs.-

STATE OF INDIANA,
Respondent.

PETITION FOR EXTENSION OF TIME

COMES NOW Clarence W. Seeley, Jr., by the undersigned Counsel, and petitions this Court to extend the time for the filing of Mr. Seeley's Petition for Writ of Certiorari on the following grounds:

1. Mr. Seeley was sentenced for dealing in a controlled substance, a Class A felony and is serving a sentence of fifty (50) years.
2. Mr. Seeley filed a Petition for Post-Conviction Relief in Fayette County, Indiana.
3. Mr. Seeley alleged in the post-conviction proceedings that he was entitled to relief based upon a Decision of this Court in *Lafler v. Cooper*, 566 U.S. 156, 132 S.Ct. 1376, 182 L.Ed.2d 398 (2012), along with other decisions of this Court.
4. The trial court denied him relief, and he appealed to the Indiana Court of Appeals.
5. On May 31, 2017, the Indiana Court of Appeals affirmed the trial court, relying on an 11th Circuit Opinion of *United States v. Roy*, 855 F.3d 1133 (11th Circ. 2017).
6. Mr. Seeley filed a Petition for Rehearing on June 3, 2017, and that rehearing request was denied on August 2, 2017.

7. He petitioned for transfer to the Indiana Supreme Court, and that Petition was denied October 24, 2017.
8. The Indiana Supreme Court is Indiana's highest court, and Mr. Seeley's court of last resort in the Indiana State Court system.
9. Mr. Seeley's Petition for Writ of Certiorari is due January 22, 2018.
10. Although Counsel has been private counsel for Mr. Seeley throughout these proceedings, she is proceeding *pro bono* for Mr. Seeley in the filing of the Petition for Writ of Certiorari.
11. Mr. Seeley is petitioning the United States Supreme Court to accept Certiorari because he believes the Indiana Supreme Court has erroneously modified *Lafler, supra*, along with its progeny, and would leave numerous defendants, including Mr. Seeley, without relief to which they are entitled pursuant to *Lafler, supra*.
12. The United States Supreme Court has appellate jurisdiction over this case as the highest court of Indiana has ruled, and Mr. Seeley's case involves a question of Constitutional law.
13. Mr. Seeley is requesting an extension of sixty (60) days, and until March 23, 2018 within which to file his Petition for Writ of Certiorari both because of Counsel's other commitments and her desire to have sufficient time to appropriately represent Mr. Seeley's interests in the Petition for Writ of Certiorari.
14. On January 22, 2018, the due date for this Petition for Writ of Certiorari, Counsel also has a Petition for Transfer due to the Indiana

Supreme Court in *Dumoulin v. Dumoulin*, Cause #52A02-1704-DR-725.

No extension may be filed or requested for a Petition to Transfer to the Indiana Supreme Court.

15. Additionally, Counsel has several jury trials scheduled closely together.

On January 30, 2018, Counsel has been advised she is a number one setting in a Level 2 drug case in the Howard Circuit Court in *State v. Mitchell Maddox*, Cause #34C01-1506-F2-00081.

16. Counsel will be out of the country on a long-scheduled vacation from February 3 – 11, 2018.

17. In addition, Counsel has other trials and significant hearings or filings as follows:

A. *State v. Michael Jones*, Cause #34D04-1711-CM-00201, bench trial in the Howard Superior Court 4 on February 13, 2018.

B. Hearing in a murder case in *State v. Blackburn*, Cause #75C01-1703-MR-000002, on February 21, 2018, in the Starke Circuit Court, which is approximately 1½ hours north of Counsel's office.

C. Jury trial in the Howard Superior Court 1 in *State v. Jeff Roberts*, Cause #34D01-1611-F2-01153 on February 23, 2018, which is a heroine case involving death with both drug charges and reckless homicide. If this trial would be cancelled for any reason, then also in that same court, Counsel has another trial scheduled as a back-up to that case, *State v. Michelle Norris*, Cause #34D01-1603-F4-

00167, which case has already been tried once and resulted in a hung jury

- D. Jury trial on February 26, 2018 in the Clinton Circuit Court in *State v. Tyler Hodson*, Cause #12C01-1705-F5-000528.
- E. Jury trial on March 7, 2018 in the Starke Circuit Court in *State v. Dalton Minix*, Cause #75C01-1609-F6-000166.
- F. Followed by a vacation during Counsel's son's school spring break from March 12-16, 2018.

Most, if not all, of these trials will proceed, which is the reasoning for Counsel requesting the continuance to March 23, 2018.

WHEREFORE, Counsel for Mr. Seeley, and on Mr. Seeley's behalf, requests an extension of time to file the Petition for Writ of Certiorari to and including March 23, 2018.

I verify under the penalties of perjury the foregoing is true.

_____/s/ Caroline B. Briggs_____.
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CERTIFICATE OF SERVICE

I hereby certify that on January 12, 2018, I electronically filed the foregoing document using the United States Supreme Court electronic filing system and by sending the same by FedEx. I also certify that the foregoing document was served January 12, 2018 upon opposing counsel via United States Mail, first-class, postage prepaid:

Curtis T. Hill, Jr. – Attorney General of Indiana
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/s/ Caroline B. Briggs.
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