

No. \_\_\_\_\_

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OCTOBER TERM, 2021

IN THE SUPREME COURT OF THE UNITED STATES

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Siaosi Vanisi, Petitioner,

v.

William Reubart, Acting Warden;  
Aaron Ford, Attorney General, State of Nevada,  
Respondents.

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**Petitioner's Application to Extend Time to File Petition for Writ  
of Certiorari**

**Capital Case**

Rene L. Valladares  
Federal Public Defender of Nevada  
Randolph M. Fiedler  
Counsel of Record  
Assistant Federal Public Defender  
411 E. Bonneville, Ste. 250  
Las Vegas, Nevada 89101  
(702) 388-6577  
(702) 388-5819 (Fax)  
Randolph\_Fiedler@fd.org

Counsel for Petitioner

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To the Honorable Elena Kagan, as Circuit Justice for the United States Court of Appeals for the Ninth Circuit:

Petitioner Siaosi Vanisi respectfully requests that the time to file a Petition for Writ of Certiorari in this matter be extended for sixty (60) days, to and including October 15, 2022. The Nevada Supreme Court issued its opinion on January 27, 2021, attached as App. A. The Nevada Supreme Court denied a timely petition for rehearing on May 18, 2022, attached as App. B. Petitioner's current due date for filing a Petition for Writ of Certiorari is August 16, 2022. *See* Sup. Ct. R. 13.1, 13.3.

Petitioner is filing this Application at least ten days before that date. *See* Sup. Ct. R. 13.15. This Court has jurisdiction under 28 U.S.C. § 1257(a).

### **BACKGROUND**

Mr. Vanisi was convicted of first-degree murder and sentenced to death for a crime that occurred in 1998; the Nevada Supreme Court affirmed his conviction on appeal. *See Vanisi v. State*, 22 P.3d 1164 (2001). The Nevada Supreme Court also affirmed the denial of Vanisi's first state post-conviction proceedings in 2010. *See Vanisi v. State*, No. 50607, 2010 WL 3270985 (Nev. Apr. 20, 2010). After filing a federal habeas petition, Mr. Vanisi returned to state court for exhaustion. *See Vanisi v. Baker*, No. 3:10-cv-MMD-CBC, ECF No. 57 (D. Nev. Apr. 25, 2012). The state district court denied Mr. Vanisi's exhaustion petition, but the Nevada Supreme Court reversed with instruction that the district court conduct an evidentiary hearing. *See Vanisi v. Baker*, No. 65774, 2017 WL 4350947 (Nev. Sept. 28, 2017).

On remand, the district court again denied relief; the Nevada Supreme Court affirmed. *Vanisi v. Gittere*, No. 78209, 2022 WL 263342 (Nev. Jan. 27, 2022). On May 18, 2022, the Nevada Supreme Court denied Mr. Vanisi's petition for rehearing. The instant appeal comes to this Court from denial of this most recent state petition for post-conviction relief.

### **REASONS FOR GRANTING THE EXTENSION**

The time for filing a Petition for Writ of Certiorari should be extended for sixty days for the following reasons:

1. Randolph M. Fiedler, counsel of record for Petitioner has been unable to complete the Petition for Writ of Certiorari, despite diligent efforts to do so, due to his caseload and deadlines in other capital habeas matters. Specifically, since the Nevada Supreme Court's denial of rehearing, Mr. Fiedler has been involved in a federal capital evidentiary hearing in *Williams v. Filson*, USDC Case No. 2:98-cv-00056-APG-VCF; additionally, in *Johnson v. State*, No. 83796, he filed an opening brief in a capital post-conviction case before the Nevada Supreme Court on May 27, 2022; in *Hampton v. Shinn*, No. 19-99005, another capital post-conviction case, before the Ninth Circuit, Mr. Fiedler filed a reply brief (June 22, 2022), a notice of supplemental authority (June 27, 2022), a motion for limited remand (June 27, 2022), and a reply to state's response (July 6, 2022).

2. As a result of these obligations, Mr. Fiedler has been unable to complete the Petition for Writ of Certiorari and will not be able to dedicate sufficient time to completing the Brief until after August 16, when the Petition is due. Granting the instant request for a sixty-day extension of time will allow Mr. Fielder to complete the Petition for Writ of Certiorari no later than October 15, 2022.

3. This Court has consistently held that death is different: “[t]he taking of life is irrevocable. It is in capital cases especially that the balance of conflicting interests must be weighed most heavily in favor of the procedural safeguards of the Bill of Rights.” *Reid v. Covert*, 354 U.S. 1, 45-46 (1957) (on rehearing) (Frankfurter, J., concurring); *see also Gregg v. Georgia*, 428 U.S. 153, 188 (1976) (“the penalty of death is different in kind from any other punishment imposed under our system of criminal justice.”). Capital litigants should be given every reasonable opportunity to bring their claims of constitutional error before the courts.

4. The Petition for Writ of Certiorari that Mr. Vanisi intends to file raises a substantial constitutional issues regarding whether a court may deny a request of self-representation based on its view that the defendant is seeking to delay the proceedings and whether a State may seek to retry a defendant after a mistrial cause by the State's error. *See* SCR 10(b).

5. This application for extension of time is not sought for the purposes of delay or for any other improper purpose, but only to ensure that Mr. Vanisi receives competent representation in this matter.

DATED this 5th day of August, 2022.

Respectfully submitted,

Rene Valladares  
Federal Public Defender of Nevada

*/s/ Randolph M. Fiedler*  
*Counsel of Record*  
Assistant Federal Public Defender  
411 E. Bonneville, Ste. 250  
Las Vegas, Nevada 89101  
(702) 388-6577  
Randolph\_Fiedler@fd.org

Counsel for Petitioner

## CERTIFICATE OF SERVICE

I hereby declare that on 5th day of August, 2022, I served Petitioner's Application for Extension of Time to File Petition for Writ of Certiorari on Respondents by depositing an envelope containing the Application in the United States mail, with first-class postage prepaid, addressed as follows:

Jennifer P. Noble  
Chief Appellate Deputy  
Washoe County District Attorney's Office  
One South Sierra Street  
Reno, NV 89501

*/s/ Randolph M. Fiedler*  
Randolph M. Fiedler  
Assistant Federal Public Defender

## APPENDICES

Appendix A	Order of Affirmance, <i>Vanisi v. State of Nevada</i> , Case No. 78209 (Filed January 27, 2022) .....	APP001-009
Appendix B	Order Denying Rehearing, <i>Vanisi v. State of Nevada</i> , Case No. 78209 (Filed May 18, 2022) .....	APP010-011