

IN THE UNITED STATES SUPREME COURT

NO. 21-12331

**UNITED STATES OF AMERICA,
PLAINTIFF-APPELLEE,**

v.

**DEMETRIS DUANE CLARK
DEFENDANT-APPELLANT.**

**DEFENDANT-APPELLANT DEMETRIS DUANE CLARK'S
MOTION FOR EXTENSION OF TIME TO FILE HIS PETITION FOR A
WRIT OF CERTIORARI**

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Counsel for Demetris Duane Clark**

MOTION FOR EXTENTION OF TIME TO FILE WRIT OF CERTIORARI

Comes now Defendant-Appellant Demetris Clark, through Undersigned Counsel, and moves this Honorable Court for an extension of 60 days for Mr. Clark to file his petition for a writ of certiorari. In support of this motion, Mr. Clark states as follows.

1. On July 21, 2021, Undersigned Counsel was appointed to represent Plaintiff-Appellant Demetris Clark on the appeal of his conviction in the Middle District of Alabama to the 11th Circuit Court of Appeals.

2. On June 24, 2022, the 11th Circuit Court of Appeals issued its opinion denying Mr. Clark's appeal. The date by which Mr. Clark is due to file his petition for a writ of certiorari is September 22, 2022.

3. Undersigned Counsel prepared a judgment letter to be sent to Mr. Clark, who is incarcerated at the Federal Correctional Institution in Edgefield, SC. At the time, at the end of June 2022, Undersigned Counsel, a solo practitioner, was recovering from a prolonged bout of Covid 19 and had no legal assistant. In the judgment letter Undersigned Counsel explained that his representation of Mr. Clark terminated with the issuance of the 11th Circuit opinion, and he included instructions for Mr. Clark to follow, if he chose to proceed pro se and file a petition for writ of certiorari with this Court.

4. Through inadvertence, the judgment letter was not mailed to Mr. Clark. Upon becoming aware of this oversight, on September 16, 2022, Undersigned Counsel contacted Mr. Clark's brother, who regularly speaks by

telephone with Mr. Clark, to explain what had happened. The following day, September 17, 2022, Undersigned Counsel spoke to Mr. Clark by telephone. Undersigned Counsel explained his mistake, further explained that he could not further represent Mr. Clark, and inquired whether Mr. Clark wished to pursue a writ of certiorari in this Court. Mr. Clark stated that he did. Undersigned Counsel explained that he could not represent Mr. Clark in this Court, but told Mr. Clark that he would file a motion for an extension of time for Mr. Clark to file his petition.

WHEREFORE, for the foregoing reasons, Mr. Clark requests an extension of 60 days to file his petition for a writ of certiorari.

Respectfully submitted,

/s/Donnie W. Bethel

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CERTIFICATE OF SERVICE

I certify that I shall, on the 22nd day of September, 2022, serve a copy of the foregoing motion in paper format, by placing a copy in the U.S. Mail, to the following:

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