

OCTOBER TERM, 2025

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IN THE SUPREME COURT OF THE UNITED STATES  
CASE NO. \_\_\_\_\_

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MARCEL EMMANUEL JOHNSON  
Petitioner,  
v.

COMMONWEALTH OF PENNSYLVANIA,  
Respondent.

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**PETITIONER'S MOTION FOR EXTENSION OF TIME FOR THE FILING OF  
A PETITION FOR WRIT OF CERTIORARI TO THE  
SUPREME COURT OF PENNSYLVANIA**

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TO THE HONORABLE JUSTICE SAMUEL A. ALITO:

Petitioner, MARCEL EMMANUEL JOHNSON, through counsel, respectfully moves for an extension of sixty (60) days to prepare and file his Petition for Writ of Certiorari to the Supreme Court of Pennsylvania. In support thereof, Petitioner submits as follows:

1. Marcel Emmanuel Johnson was convicted by a jury of two counts of first-degree murder (for the death of Ebony Talley and her daughter RR), and other related offenses on June 3, 2015, in the Court of Common Pleas of Bucks County (Pennsylvania). The jury returned a verdict of death on the first-degree murder charge as to RR and a life sentence for the death of Ms. Talley.

2. The Pennsylvania Supreme Court affirmed Petitioner's conviction and death sentence on May 25, 2017. *Commonwealth v. Johnson*, 160 A.3d 127 (Pa. 2017) *cert den Johnson v. Pennsylvania*, 138 S. Ct. 508 (2017).

3. Petitioner sought post-conviction relief that was denied by the trial court on December 29, 2023. The Pennsylvania Supreme Court affirmed the denial of relief on March 27, 2026. *Commonwealth v. Johnson*. 353 A.3d 909 (Pa. 2026). Two justices dissented, and would have granted penalty phase relief. A copy of that opinion is attached.

4. Pursuant to Rule 13 of the Rules of the Supreme Court of the United States, Mr. Johnson may file a writ of certiorari within 90 days of the Pennsylvania Supreme Court's opinion, i.e. by June 24, 2026.

5. Mr. Wharton wishes to seek this Court's certiorari review of the significant issues concerning the suppression of exculpatory evidence and the ineffective assistance of counsel that were raised in the post-conviction appeal. This Court has jurisdiction under 28 U.S.C. § 1254(1).

6. Undersigned counsel, however, cannot meaningfully prepare a professionally appropriate certiorari petition by the current due date. Counsel is a public defender responsible for dozens of capital cases. Within the last two months Counsel's obligations have included the filing of an amended habeas petition in a Pennsylvania capital case, a reply in support of an amended habeas petition in a Tennessee case, and an evidentiary hearing in a Ohio capital case. As a result, it is not possible for counsel to adequately prepare the certiorari petition by its current due date.

7. This request for an extension is being filed and served more than ten (10) days in advance of the due date, as provided for in S.C.R. 13(5).

8. This request is made in good faith and is not predicated on an intent to delay.

Deputy Bucks County District Attorney John Fegley, counsel for Respondent, has no objection to this request.

Respectfully submitted,

/s/ Stuart B. Lev  
Stuart B. Lev  
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Dated: June 12, 2026  
Philadelphia, Pennsylvania

**Parties to the Proceedings**

Petitioner, Marcel Emmanuel Johnson, is an inmate incarcerated in Pennsylvania at S,C,I, Phoenix, under sentence of death.

Respondent is the Commonwealth of Pennsylvania, who prosecuted Petitioner in the Bucks County Court of Common Pleas and who is represented by the Bucks County District Attorney Office.

No party to this litigation is a publicly or privately held corporation.