

No. _____

IN THE
Supreme Court of the United States

BERNARD KENTRELL BREELAND, JR.,

Applicant,

v.

UNITED STATES OF AMERICA,

Respondent.

**On Application for an Extension of Time to
File Petition for a Writ of Certiorari to the United
States Court of Appeals for the Fourth Circuit**

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Counsel for Applicant Bernard Kentrell Breeland, Jr.

To the Honorable John Roberts, Chief Justice of the Supreme Court of the United States and Circuit Justice for the Fourth Circuit:

Pursuant to this Court's Rules 13.5, 22, 30.2, and 30.3, Applicant Bernard Kentrell Breeland, Jr. ("Applicant") respectfully requests that the time to file his petition for a writ of certiorari be extended for 60 days, up to and including Monday, January 12, 2026. The United States Court of Appeals for the Fourth Circuit issued its opinion on August 14, 2025. A copy of the opinion is attached as Exhibit A. Absent an extension of time, a petition for a writ would be due on November 12, 2025. This application is being filed more than ten days prior to that due date, and no prior application has been made in this case. The jurisdiction of this Court is based on 28 U.S.C. § 1254(1).

Background

Applicant was convicted of possessing ammunition after having been convicted of a felony, in violation of 18 U.S.C. § 922(g)(1), following a shooting that occurred in February 2020 in Columbia, South Carolina. He was sentenced to 120 months' imprisonment. On appeal, Applicant raised four issues: (1) whether 18 U.S.C. § 922(g)(1) is facially unconstitutional under the Second Amendment; (2) whether the district court committed reversible error by excluding exculpatory evidence that would have supported an alternative perpetrator defense; (3) whether the district court erred by admitting improper lay opinion identification testimony from law enforcement officers who did not witness the shooting; and (4) whether Applicant's sentence was procedurally unreasonable due to the erroneous application of an attempted murder cross-reference. The Fourth Circuit affirmed in an unpublished per

curiam opinion. *See United States v. Breeland*, No. 23-4689, 2025 WL 2364959 (4th Cir. Aug. 14, 2025).

Reasons for Granting an Extension of Time

The time to file a petition for a writ of certiorari should be extended for 60 days for the following reasons:

1. The constitutional and evidentiary issues to be presented in Applicant's petition are substantial and require careful analysis. The petition will likely present questions concerning: **(a)** the constitutionality of 18 U.S.C. § 922(g)(1) under the Second Amendment framework established in *New York State Rifle & Pistol Association, Inc. v. Bruen*, 597 U.S. 1 (2022) and *United States v. Rahimi*, 602 U.S. 680 (2024); **(b)** the proper scope of cross-examination rights under the Confrontation Clause when the government produces exculpatory evidence in discovery but then objects to its authentication at trial; and **(c)** the admission of lay opinion identification testimony from law enforcement officers under Federal Rule of Evidence 701. These issues require a thorough review of the record, relevant Supreme Court precedent, and emerging circuit court decisions.

2. The undersigned counsel has been appointed to represent Applicant under the Criminal Justice Act. Counsel's competing work obligations limit his ability to devote adequate time to Applicant's petition for writ of certiorari between today and November 12, 2025. Specifically, the undersigned counsel has numerous litigation deadlines, hearings, and depositions during that time period, including:

- Two out-of-state depositions on October 9, 2025, and October 29, 2025.

- Hearings in pending federal cases on October 20, 2025, and October 23, 2025.
- An out-of-state mediation in a federal case on October 30, 2025.
- Briefing deadlines in two court-appointed federal criminal appeals on October 24, 2025, and October 31, 2025.

Conclusion

For the foregoing reasons, Applicant respectfully requests that the time to file his petition for a writ of certiorari be extended for 60 days, up to and including Monday, January 12, 2026.

Respectfully submitted,



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Dated: October 8, 2025