

No. _____

In The
Supreme Court of the United States

JAIRO HUERTAS-MERCADO

Applicant,

v.

UNITED STATES OF AMERICA,

Respondent.

**APPLICATION FOR EXTENSION OF TIME TO
FILE PETITION FOR WRIT OF CERTIORARI**

LAW OFFICES OF MAURICIO HERNANDEZ ARROYO

USSC Bar No. 207752

USCA-1st Cir. Bar No. 42462

Attorney for Applicant

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TO THE HORABLE COURT:

To the Honorable Ketanji Brown Jackson, Associate Justice of the United States Supreme Court and Circuit Justice for the First Circuit:

Applicant-Defendant, Jairo Huertas-Mercado (“Applicant”), represented by the undersigned attorney of record assigned on March 16, 2023, pursuant to the Criminal Justice Act under 18 U.S.C. section 3006.A, respectfully requests an extension of time to file a petition for writ of certiorari. Sup. Ct. R. 13.5. The earliest deadline for Applicant to file his petition is Tuesday, October 28, 2025, which is ninety days from Wednesday, July 30, 2025, the date when the Court of Appeals For the First Circuit issued its Opinion and Order and Judgment affirming the United States District Court’s Judgment, dated February 10, 2023, and imposition of sentence of Life Imprisonment plus a total 660 months. For good cause set forth herein, Applicant Huertas asks that this deadline be extended by sixty (60) days so that the new deadline would be Saturday, December 27, 2025. This application is filed less than ten (10) days prior to the due date for extraordinary circumstances stated herein.

BACKGROUND AND OPINIONS BELOW

There are important questions, which were determined adversely by the court below, which affirmed the District Court’s denial of Applicant Huertas Rule 29 motion and challenges to the speedy trial that totaled fifty-one (51) months from arrest to trial. The lower court trial consisted of two (2) consolidated cases, both including deaths and car-jackings, in which one (1) case where appellant Huertas was acquitted of all charges. Both cases were Death Penalty eligible that caused undue delay, with a sixteen Third Superseding Indictment. Furthermore, the period of time transpired during the COVID

19 [pandemic in Puerto Rico and throughout the world community. There are important constitutional issues presented and the interplay with Speedy Trial Act with the Fifth and Sixth Amendment challenges of due process violations. The validity of this claim in the case involves important constitutional protection and a fifty-one (51) month delay from arrest to trial in violation of the Speedy Trial constitutional protections. *United States v. MacDonald*, 456 U.S. 1, 6-7 (1981). Applicant Huertas constitutional arguments were based upon the Supreme Court four factors in *Barker v. Wingo* 407 U.S. 514 (1972) that were not properly weighed with presumptively prejudicial. *Doggett v. United States*, 505 U.S. 647 (1992). The Opinion and Order is also against precedent.

Attached hereto are copy of July 30, 2025, Opinion and Order affirming the district court's judgment.

JURISDICTION

This Court has jurisdiction under 28 U.S.C. §1254(1).

REASONS EXTENSION IS JUSTIFIED

Supreme Court Rule 13.5 provides that “An application to extend the time to file shall set out the basis for jurisdiction in this Court, identify the judgment sought to be reviewed, include a copy of the opinion and any order respecting rehearing, and set out specific reasons why an extension of time is justified.” Sup. Ct. R. 13.5. The specific reasons why an extension of time is justified are as follows:

1) From a period of no less than 45 days, Applicant Huertas and inmates at United States Penitentiary Coleman I were under twenty-four (24) lockdown without any outside communication privileges, including, but not limited to: legal telephone calls,

receipt of any legal mail and electronic CORR Link correspondence, commissary and other normal activities that made it impossible to have communication with the applicant and his undersigned CJA counsel of record. 2) The undersigned attorney has been suffering from chronic back and hip pain and ITB Iliotibial Band Syndrome, that has necessitated attending numerous specialist physician medical visits at the Mount Sinai Medical Center with Orthopedic Surgeon Doctor Fidler and Orthopedic Non-Surgeon, Dr. Shama, Aventura, Florida; including numerous medical appointments with Dr. Monique Bain, Doctor of Acupuncture, Five Well Center, Coral Springs, Florida, and Dr. Alan Friedman, Doctor of Chiropractic, Pembroke Pines, Florida. 3) The Applicant Huertas was twenty (20) years when arrested, is not bilingual and has been in need of a medical operation but has not received the necessary treatment. 4) Most all of Applicant's legal mail has not been delivered to him nor returned to the undersigned. 5) Applicant Huertas had intermittent contact with CJA counsel for some of the appellate court case but he has been periodically denied access to counsel, legal mail, and other legal resources as he has been segregated at USP Coleman I. 6) The nature of the case is complex and has competing interest in constitutional protections for Fifth & Sixth Amendments Right to a Speedy Trial. Finally, the failure of adequate legal representation is a collateral matter that will not be subject of this application. Accordingly, *good cause* exists for the additional time that is needed to adequately prepare and file the petition.

NOTICE TO OPPOSING COUNSEL & CONSENT

The United States Attorney's Office in Puerto Rico, attorney for respondent, has been notified of the intent to file this application and was requested to advise if there

was any objection to the filing. To date, no objection has been received.

CONCLUSION

For the foregoing reasons and good cause shown, Applicant Huertas respectfully requests that this Court grant this application for an extension of time to file a petition for writ of certiorari.

Dated: October 23, 2025

s/ Mauricio Hernandez Arroyo

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