

No. _____

IN THE SUPREME COURT OF THE UNITED STATES

OCTOBER TERM, 2023

MICHAEL DALE IERVOLINO, Petitioner,

v.

STATE OF ALABAMA, Respondent.

ON PETITION FOR WRIT OF CERTIORARI TO
THE ALABAMA COURT OF CRIMINAL APPEALS

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

To the Honorable Clarence Thomas, Associate Justice of the Supreme Court of the United States and Circuit Justice for the United States Court of Appeals for the Eleventh Circuit:

Pursuant to Supreme Court Rules 13.5 and 30, Petitioner Michael Dale Iervolino respectfully requests a 30-day extension of time to file his petition for a writ of certiorari up to and including Monday, August 19, 2024:

1. The jurisdiction of this Court is invoked under 28 U.S.C. § 1257(a).
2. On August 18, 2023, the Alabama Court of Criminal Appeals affirmed Mr. Iervolino's conviction and death sentence. Iervolino v. State, No.

CR-21-0283, 2023 WL 5316682 (Ala. Crim. App. Aug. 18, 2023) (Exhibit 1). On October 27, 2023, the Alabama Court of Criminal Appeals denied Mr. Iervolino's application for rehearing. (Exhibit 2.) On April 19, 2024, the Alabama Supreme Court denied Mr. Iervolino's Petition for Writ of Certiorari. (Exhibit 3.)

3. Pursuant to Rules 13.1, 13.3, and 30.1 of the Rules of this Court, a petition for a writ of certiorari is due to be filed on or before July 18, 2024. This application is being filed ten days before that date.

4. This is a capital case in which the death penalty has been imposed. Mr. Iervolino is incarcerated at Donaldson Correctional Facility in Bessemer, Alabama. No execution date has been scheduled in this case.

5. Petitioner's case raises meritorious issues regarding the constitutionality and reliability of his capital conviction and death sentence. As such, there are compelling questions about whether the Alabama Court of Criminal Appeals properly denied Mr. Iervolino's appeal.

6. Undersigned counsel currently is involved in the appeals of many capital cases: several habeas corpus cases in the federal district courts, postconviction cases in Alabama state courts, and several direct appeals to the Alabama Court of Criminal Appeals and the Alabama Supreme Court. Counsel faces a number of deadlines in these cases in the coming weeks.

7. An additional thirty (30) days is needed to prepare a pleading that

adequately apprises this Court of the relevant facts and law in this case.

For these reasons, Mr. Iervolino respectfully requests an additional thirty (30) days in which to file his petition for a writ of certiorari, thereby changing to August 19, 2024, the date on or by which it must be filed.¹

Respectfully submitted,

/s/ Randall S. Susskind
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Dated: July 8, 2024

Counsel for Mr. Iervolino

¹Thirty days following July 18, 2024, is Saturday, August 17, 2024. Pursuant to Rule 30.1, the petition would be due Monday, August 19, 2024.