

January 22, 2025

Hon. John G. Roberts  
Chief Justice  
Supreme Court of the United States  
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Washington, D.C. 20543

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Re: Motion for Extension of Time to File Petition for Writ of Certiorari in  
*United States v. Aghee Smith, II*, S.Ct. No. \_\_\_\_\_, CA4 22-4508

Dear Chief Justice Roberts:

Under Supreme Court Rule 13.5, we respectfully move for a 60-day extension of the time to file a petition for writ of certiorari in the above-captioned case.

Our client, Aghee William Smith, II, was convicted for charges of conspiracy to commit mail and wire fraud and substantive wire fraud in the U.S. District Court for the Eastern District of Virginia. *United States v. Maerki, et al*, No. 2:19-cr-00047-RAJ-LRL. The district court sentenced Mr. Smith to 156 months' imprisonment. The U.S. Court of Appeals for the Fourth Circuit affirmed the judgment. *United States v. Smith*, 117 F.4th 584 (4th Cir. 2024). On November 15, 2024, the Fourth Circuit denied Mr. Smith's petition for rehearing en banc. *United States v. Aghee Smith, II*, No. 22-4508, Dkt. 162 (4th Cir. Nov. 15, 2024). The Fourth Circuit's opinion and its order denying en banc review are attached to this motion.

Under Rule 13.1, the deadline to file a petition for writ of certiorari is February 13, 2025, 90 days from the denial of Mr. Smith's petition for rehearing en banc. If this motion is granted, the deadline would be April 14, 2023. This Court has jurisdiction over Mr. Smith's appeal under 28 U.S.C. § 1254.

An extension of 60 days is warranted due to the undersigned's professional commitments. I represent Mr. Smith pro bono while maintaining a busy private practice in state and federal court. Among other things, I am preparing for a trial beginning on February 3, 2025 in *Blackwood v. Philip Morris USA Inc.*, No. 08-026350 (Fla. Cir. Ct.). I am drafting a brief to the Seventh Circuit in

*United States v. Robinson*, No. 23-1498 (7th Cir.), due on February 3, 2025, and I am also preparing for oral argument in that case on February 27.

An extension is necessary to allow me sufficient time to conduct research and draft the petition for writ of certiorari, in addition my other commitments. We contacted counsel for the United States, who informed us that she has no objection to the extension being granted.

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Sincerely,

/s/ Michael Rayfield

Michael Rayfield

*Attorney for Aghee Smith, II*

cc: See attached service list

**PROOF OF SERVICE**

I, Michael Rayfield, hereby certify that three copies of this forgoing Motion for Extension of Time to File Petition for Writ of Certiorari in *United States v. Aghee William Smith* were sent via third-party commercial carrier to the U.S. Supreme Court and one copy was sent via third-party commercial carrier to the below service list.

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/s/ Michael Rayfield

Michael Rayfield

*Attorney for Aghee Smith, II*

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