

(CAPITAL CASE)

No. _____

In the
Supreme Court of the United States

LEONARD MAURICE DRANE,

APPLICANT,

v.

WARDEN, GEORGIA DIAGNOSTIC AND CLASSIFICATION PRISON,

RESPONDENT.

**On Petition for a Writ of Certiorari to the
Supreme Court of Georgia**

**APPLICATION TO ASSOCIATE JUSTICE CLARENCE THOMAS
FOR AN EXTENSION OF TIME TO FILE
A PETITION FOR WRIT OF CERTIORARI**

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May 9, 2018

**TO: THE HONORABLE CLARENCE THOMAS,
ASSOCIATE JUSTICE OF THE UNITED STATES
AND CIRCUIT JUSTICE FOR THE ELEVENTH CIRCUIT**

Petitioner LEONARD MAURICE DRANE, a Georgia death-sentenced prisoner acting by and through undersigned appointed counsel and pursuant to 28 U.S.C. § 2101(c) and Supreme Court Rule 13.5, respectfully requests an extension of time of sixty (60) days to prepare and file his Petition for a Writ of Certiorari in this Court. Mr. Drane seeks review of the decision of the Supreme Court of Georgia entered on February 19, 2018, *see* Attachment A. Mr. Drane invokes the jurisdiction of this Court pursuant to 28 U.S.C. § 1257(a). His time to file a Petition for a Writ of Certiorari in this Court elapses on May 21, 2018; he makes this request more than ten (10) days before the day when his petition would be due without an extension of time, and this is his first request for an extension of time. In support of his request, Mr. Drane shows the following as good cause:

A Petition for Writ of Certiorari is essential here to allow the Court to determine whether this truly compelling case of actual innocence is cognizable in habeas and to otherwise address the failure of the state habeas court to evaluate newly-discovered evidence conclusively proving that Mr. Drane did not commit the crime for which he was convicted and sentenced to death.

Leonard Drane is innocent of capital murder. Mr. Drane's co-defendant, David Robert Willis, has broken a two-decade silence and confessed that he alone killed Renee Blackmon – the crime for which Mr. Drane was sentenced to death. The habeas court, upon hearing Mr. Willis' sworn testimony, conceded its relevance

for Mr. Drane's state habeas claims of innocence and that his sentence of death is unconstitutionally disproportionate, but the court refused to consider and held that they were not within the scope of the habeas court's review. The Georgia Supreme Court denied review of this ruling, refusing even to expand the scope of the lower court's review so that the lower court could evaluate this evidence on the pending habeas claims. As a result, the newly-discovered evidence of an unqualified admission has never been evaluated by a fact-finder considering Mr. Drane's guilt or innocence, or even his sentence of death.

Pro bono counsel for Mr. Drane believes the decision from the Supreme Court of Georgia presents a novel question and otherwise conflicts with precedent from this Court and other circuits, supporting *certiorari* review. Counsel requests an extension of time to seek review in this Court so that counsel can properly and adequately present the substantial constitutional issues that give rise to Mr. Drane's petition, thoroughly investigate any conflicts of authority, and effectively represent Mr. Drane. Counsel for Mr. Drane also need additional time to consult with Supreme Court experts in the preparation of the Petition.

In the time since the Supreme Court of Georgia denied review, Mr. Drane's counsel have been actively engaged representing other clients, which has impaired their ability to prepare an effective petition by the current deadline. Specifically, counsel has been representing another capital defendant in a case in which a petition for *certiorari* review is currently pending in this Court, defending another

client against claims pursued on an expedited basis related to an abandoned, multi-billion dollar energy project, which has involved five separate matters and entailed expedited briefing on motions for summary judgment and challenges to the constitutionality of a state statute. Counsel has further been involved in multiple putative class actions that are proceeding through discovery, along with preparing for a potential arbitration hearing and pursuing discovery in still other commercial litigation matters. Other counsel involved in representing Mr. Drane have been involved in representing a capital defendant currently under an execution warrant. Counsel have a fully committed professional schedule, in addition to this pro bono case, and require additional time to complete the Petition for Writ of Certiorari in this case.

With an extension of sixty days, undersigned counsel are confident that they can adequately brief and present these and potentially other issues to this Court. Mr. Drane is not currently under a date of execution.

WHEREFORE, Mr. Drane respectfully requests that this Court grant him a sixty (60) day extension of time within which to file his Petition for Writ of Certiorari, until and including July 21, 2018.

Respectfully Submitted,

/s/ L. Joseph Loveland

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