

No. \_\_\_\_\_

IN THE SUPREME COURT OF THE UNITED STATES

OCTOBER TERM, 2018

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DONTAE CALLEN, Petitioner,

v.

STATE OF ALABAMA, Respondent.

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**APPLICATION FOR EXTENSION OF TIME TO  
FILE PETITION FOR WRIT OF CERTIORARI  
TO THE ALABAMA COURT OF CRIMINAL APPEALS**

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

Pursuant to Supreme Court Rules 13 and 30, Petitioner Dontae Callen respectfully requests a 35-day extension of time to file his petition for certiorari in this Court:

1. The jurisdiction of this Court is invoked under 28 U.S.C. § 1257(a).
2. The Alabama Court of Criminal Appeals affirmed Mr. Callen's convictions on April 28, 2017. Callen v. State, \_\_\_ So. 3d \_\_\_, No. CR-13-0099, 2017 WL 1534453 (Ala. Crim. App. Apr. 28, 2017) (Attached as Exhibit A). On return to remand, the Court of Criminal Appeals affirmed his sentence on August 11, 2017. Callen v. State, \_\_\_ So. 3d \_\_\_, No. CR-13-0099, 2017 WL

3446533 (Ala. Crim. App. Aug. 11, 2017) (Attached as Exhibit B). On December 8, 2017, the Alabama Court of Criminal Appeals denied Mr. Callen's application for rehearing. (Attached as Exhibit C.) The Alabama Supreme Court denied Mr. Callen's Petition for Writ of Certiorari on November 16, 2018. (Attached as Exhibit D.) Petitioner's time to file a certiorari petition in this Court expires on February 14, 2019. This application is being filed more than ten days before that date.

3. Petitioner is under a death sentence. The State of Alabama has no system for providing legal representation to death row prisoners after the completion of their direct appeal. There are many Alabama death row prisoners currently without counsel facing filing deadlines in this Court, in state postconviction cases, and in the lower federal courts. Counsel is actively engaged in assisting these prisoners.

4. Undersigned counsel has taken on Mr. Callen's appeal in this Court pro bono but needs additional time to prepare a certiorari petition. Counsel currently is involved in many other death penalty cases, including numerous cases on direct appeal, in state postconviction, and in federal habeas corpus. Many of these cases have imminent filing deadlines and require counsel's immediate attention.

5. For these reasons, Mr. Callen respectfully requests that an order be

entered extending his time to petition for certiorari by 35 days, to and including March 21, 2019.

Respectfully submitted,

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Dated: January 30, 2019

*Counsel for Mr. Callen*