

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

IN THE SUPREME COURT OF THE UNITED STATES

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**Sean Carter,**

*Petitioner,*

v.

**Bobby Bogan, Warden**

*Respondent.*

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**APPLICATION TO THE HONORABLE JUSTICE ELENA KAGAN  
FOR EXTENSION OF TIME TO FILE A PETITION  
FOR A WRIT OF CERTIORARI TO U.S. COURT OF APPEALS FOR THE  
SIXTH CIRCUIT**

**CAPITAL CASE**

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To the Honorable Justice Elena Kagan, Associate Justice of the Supreme Court of the United States and Circuit Justice for the States composing the Sixth Circuit, including Ohio.

Petitioner, Sean Carter, by undersigned counsel, pursuant to Supreme Court Rules 13.5 and 30.2, respectfully requests that this Court grant him a sixty (60) day extension to file a Petition for a Writ of Certiorari from the Supreme Court of Ohio.

On August 20, 2018, the U.S. Court of Appeals for the Sixth Circuit affirmed the denial of Carter's timely Petition for Writ of Habeas Corpus. *See Attached.* A

timely petition for rehearing was denied on October 31, 2018. A petition for a writ of certiorari is due to be filed in this Court on or before January 29, 2019.

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

Supreme Court Rule 13.5 permits a Justice of this Court “for good cause” to extend the time to file a petition for a writ of certiorari for a period not exceeding sixty (60) days. In compliance with Supreme Court Rule 13.5, Petitioner has filed his request at least ten (10) days prior to the petition being due.

Carter submits that good cause exists for this extension. Counsel have extensive commitments in other cases that prevent completion of Carter’s Petition by January 29, 2019.

Attorney Parker, a sole practitioner with no employees, has also had other case responsibilities including the filing of two Memorandums in Support of Jurisdiction in the Ohio Supreme Court in November 2018, several felony pretrial cases in Cuyahoga County Common Pleas Court including one double homicide, *State v. Keener*, CR 623243-C; counsel has been working on a traverse due in a capital case in United States District Court for the Northern District of Ohio, an appellate brief due to be filed soon in the U.S. Sixth Circuit in a capital habeas case; a direct appeal in the 5<sup>th</sup> Ohio Appellate District in a murder case due on January 14, 2019; a traverse in an aggravated murder case in USDC N.D. Ohio in a non-capital case due January 14, 2019, objections to a Magistrate Judge’s Report and Recommendations in another Murder case in U.S. D.C. N.D. Ohio; and numerous other professional responsibilities.

Attorney Troutman has had supervising duties, as she supervises four attorneys, as well as other case responsibilities. Troutman has been involved in a habeas case in which discovery was granted in November, and the discovery deadline is January 29, 2019. *Alvarado v. Ohio State Penitentiary*, Case No. 3:16-cv-02563. Troutman has been litigating both a new trial motion (*State v. Bethel*, CR 00006600 in Franklin County, Ohio) and a federal habeas action (*Bethel v. Warden Ohio State Penitentiary*, Case No. 2:10-cv-391) for a capital client, and those concurrent paths of litigation have resulted in filings on November 8, November 23, and December 11, 2018. In addition, Troutman opposed summary judgment, filed on November 14, 2018, for a capital post-conviction client. *State v. Wilks*, Case No. 13-CR-0540 (Mahoning County, Ohio). On January 9, 2019, she has an amended habeas petition due for a capital case in the United States District Court for the Northern District of Ohio. *Wesson v. Jenkins*, Case No 5:15-cv-2688. Troutman has an appellate brief for a capital post-conviction appeal due in February (exact date uncertain, as it is due twenty days after the record is filed, and the record can be filed anytime between now and January 22, 2019.) *State v. Maxwell*, CA-18-107758, 8<sup>th</sup> Ohio Appellate District.

Counsel have been researching and outlining the petition, and materials for presentation to this Court. However, due to the press of other obligations counsel need additional time to file the petition.

This extension request is not for purposes of delay.

WHEREFORE, Carter respectfully requests that this Court grant him a sixty-day extension to file a petition for a writ of certiorari up to and including April 1, 2019. The sixtieth day falls on March 30, 2019, which is a Saturday, so the deadline would be the next business day.

Respectfully Submitted,

The Office of the Ohio Public Defender

/s/ Rachel Troutman

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