

No. _____

IN THE SUPREME COURT OF THE UNITED STATES

October Term, 2018

MILES STERLING BENCH

Petitioner,

v.

THE STATE OF OKLAHOMA

Respondent.

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

To the Honorable Sonia Sotomayor, Associate Justice of the United States Supreme Court,
and the Circuit Justice for the Tenth Circuit:

Miles Sterling Bench, the Petitioner, is incarcerated by the State of Oklahoma under a sentence of death. Petitioner prays for a sixty-day extension of time, up to and including April 6, 2019, to file his petition for writ of certiorari in this Court.

The Oklahoma Court of Criminal Appeals (OCCA), a state court of last resort, affirmed Petitioner's conviction for one count of Murder in the First Degree (21 O.S. 2011, § 701.7 (A)) on October 4, 2018. *See* Exhibit A. A petition for rehearing was denied by the same court on November 7, 2018. *See* Exhibit B. This represented a final judgment in the case, and, therefore, a Petition for Writ of Certiorari to the Oklahoma Court of Criminal Appeals is presently due in this

Court on or before February 5, 2019. This application is submitted at least ten days prior to the present due date for the Petition for Writ of Certiorari.

This Court's jurisdiction arises pursuant to 28 U.S.C. § 1257(a). Petitioner has been convicted of a capital offense and sentenced to death in violation of certain rights and protections afforded him under the United States Constitution.

This case presents a number of federal constitutional issues, including but not limited to whether Petitioner's right to a fair sentencing hearing, as guaranteed by the Eighth and Fourteenth Amendments, was violated by the presentation of vague and overly broad continuing threat testimony. Petitioner deserves a fair opportunity to address this issue, and perhaps others, in a Petition for Writ of Certiorari.

Counsel of record in this case, Katrina Conrad-Legler, is an attorney with the Oklahoma Indigent Defense System (OIDS), assigned to the Homicide Direct Appeals Division. Counsel of record has represented Petitioner throughout the direct appeal.

Currently, counsel of record represents, as lead counsel, one client under a sentence of death, as well as eleven non-capital clients. During the time between November 7, 2018, the time the OCCA denied Petitioner's Petition for Rehearing, and the present, counsel has spent considerable time preparing briefs and otherwise managing other cases, some with deadlines prior to Petitioner's. As a result of these duties toward other clients with pressing deadlines, counsel for Petitioner has been unable to devote the necessary time to properly research and prepare the Petition for Writ of Certiorari. Due to these factors and others, counsel is unable to prepare an adequate Petition for Writ of Certiorari prior to February 5, 2019.

Because of these compelling circumstances, Petitioner respectfully requests an additional

sixty days to file his Petition for Writ of Certiorari as allowed by Supreme Court Rule 13(5).
Petitioner asks that an order be issued establishing the due date for Petitioner's Petition for Writ of
Certiorari as April 6, 2019.

Respectfully submitted,



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