

In the Supreme Court of the United States

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GREG SKIPPER, WARDEN, PETITIONER

v.

CURTIS JEROME BYRD

**MOTION TO EXTEND TIME TO FILE A REPLY BRIEF
FOR A WRIT OF CERTIORARI**

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

Pursuant to this Court’s March 19, 2020 Order, Warden Greg Skipper respectfully requests that this Court delay distribution of his petition for a writ of certiorari in *Byrd v. Skipper*, No. 19-992, until the May 5 distribution deadline for the May 21, 2020 conference, due to difficulties related to COVID-19.

1. Curtis Byrd filed a habeas corpus petition alleging that he was being held in violation of his Sixth Amendment right to effective assistance of counsel on his conviction for first-degree felony murder, assault with intent to rob while armed, and felony-firearm.

In his petition, Byrd raised both an ineffective-assistance-of-trial-counsel claim and an ineffective-assistance of appellate-counsel claim.

2. The district court initially dismissed all but one of Byrd’s habeas claims—his ineffective-assistance claim. After an evidentiary hearing, the district court denied habeas on that claim as well.

3. Byrd appealed the denial of habeas only on the ineffective-assistance claim to the Sixth Circuit, which reversed the district court's denial of habeas in a 2-1 decision.

4. Petitioner Warden Greg Skipper filed a writ of certiorari on February 5, 2020, arguing, among other things, that the decision in *Byrd* conflicts with the Supreme Court's decisions in *Missouri v. Frye*, 566 U.S. 134 (2012) and *Lafler v. Cooper*, 566 U.S. 156 (2012).

5. Respondent Curtis Byrd filed his brief in opposition on April 7, 2020.

6. Based on the filing date of the brief in opposition, without an extension of time, Petitioner's reply brief would need to be at the court by the April 23, 2020 distribution deadline.

7. Warden Greg Skipper respectfully requests that this Court delay distribution of his petition for a writ of certiorari until the May 5 distribution deadline based on difficulties resulting from the COVID-19 crisis. As the lead attorney and drafter, the undersigned's efforts to draft the reply have been delayed by her involvement in a COVID-19-related project of some magnitude for the State of Michigan. The work on that project is in addition to the regular press of business in the Department of Attorney General. Additionally, the undersigned is working remotely from home, which has provided challenges.

8. The later distribution date effectively creates a 12-day extension on the reply brief, which is reasonable given the circumstances.

9. This request comes well before two days prior to the requested distribution date, as specified in this Court's April 19, 2020 order.

10. Respondent does not object to the granting of this request.

In sum, Michigan requests that the Court delay distribution of Petitioner Skipper's petition for a writ of certiorari until the May 5 distribution deadline for the May 21, 2020 conference.

Respectfully submitted,

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/s/ Ann M. Sherman
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Dated: APRIL 17, 2020

Attorneys for Petitioner