

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

**CAPITAL CASE**

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**IN THE SUPREME COURT OF THE UNITED STATES**  
**October Term, 2019**

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DANNY LEE HILL,

Petitioner,

v.

STATE OF OHIO,

Respondent.

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**APPLICATION FOR EXTENSION OF TIME TO FILE**  
**PETITION FOR WRIT OF CERTIORARI TO THE**  
**OHIO SUPREME COURT**

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August 28, 2019

APPLICATION FOR EXTENSION OF TIME TO FILE  
PETITION FOR WRIT OF CERTIORARI TO THE  
OHIO SUPREME COURT

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

Danny Lee Hill, the petitioner, is incarcerated by the State of Ohio under a conviction of aggravated murder, kidnapping, arson, rape, and felonious sexual penetration, for which he was sentenced to death for the murder, twenty-five years' imprisonment for arson and kidnapping, and life for rape and felonious sexual penetration from Trumbull County, Ohio. A Petition for Writ of Certiorari is currently due with this Court on September 10, 2019. Mr. Hill respectfully requests an extension of sixty-days, or until November 9, 2019, by which to file the petition.

Mr. Hill filed a Motion for New Trial in Trumbull County Court of Common Pleas, on June 13, 2016. The trial court denied the Motion for New Trial on October 3, 2016. On December 3, 2018, Mr. Hill's appeal of the denial of the Motion for New Trial was affirmed by the Eleventh District Court of Appeals. *State v. Hill*, 2018-Ohio-4800, 2018 WL 6314096 (Ohio App. 11 Dist. 2018). (Attachment 1). The Ohio Supreme Court declined to accept jurisdiction to review the case. *State v. Hill*, Case No. 2019-0068 (Ohio June 12, 2019). (Attachment 2).

This Court's jurisdiction arises pursuant to Title 28, United States Code § 1257 as the Ohio Supreme Court is the highest court of the state in which a decision could be rendered. Pursuant to Supreme Court Rule 13.1, a petition for writ of certiorari to the Ohio Supreme Court will be due on or before September 10, 2019. This application is submitted at least ten days prior to that due date in accordance with Supreme Court Rule 13.5.

Counsel for Mr. Hill is an Assistant Federal Public Defender assigned to the Capital Habeas Unit. The CHU represents clients who have been sentenced to death in Ohio. The CHU currently

represents twenty-six clients, several with approaching execution dates in 2020. There are three other Assistant Federal Public Defenders in the office. Counsel is lead counsel on seven cases that are all in various stages of litigation. Counsel is co-counsel on several other cases.

The CHU was appointed to a new case recently where the client's prior habeas counsel passed away. The case was assigned to undersigned counsel who has been diligently reviewing the records and materials associated with the case. Furthermore, supplemental briefing for Mr. Hill's habeas case on his *Atkins* issue was finalized on July 2, 2019. *Hill v. Anderson*, Case No. 99-4317 (6<sup>th</sup> Circuit).

Counsel is also involved in the lethal injection litigation for the State of Ohio. *In re Ohio Execution Protocol Litigation*, Case No. 11-CV-1016. The district court has scheduled a *Daubert* hearing for September 9-10, 2019, and a preliminary injunction hearing from September 24 to October 3, for three plaintiffs, one of which, Melvin Bonnell, is a client of the CHU with an execution date of February 12, 2020. Counsel will be representing Mr. Bonnell at those hearings.

For these reasons, counsel is unable to devote the time and attention necessary to prepare an adequate and effective petition for writ of certiorari by the current due date. Counsel requests the full sixty days as allowed by the rules, which will allow counsel time to prepare the petition for writ of certiorari. The other attorneys in the CHU are unable to assist in the preparation of Mr. Hill's petition for writ of certiorari, as their obligations to the other clients are extensive as well.

Counsel requests, pursuant to Supreme Court Rule 13.5, this Court extend the current September 10, 2019, filing date to November 9, 2019. The extension will afford adequate time for counsel to prepare a proper and effective petition for writ of certiorari.

Respectfully submitted,

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