



COMMONWEALTH OF KENTUCKY

DEPARTMENT OF PUBLIC ADVOCACY

5 MILL CREEK PARK, SECTION 100 • FRANKFORT, KENTUCKY 40601 • 502-564-8006 • FAX: 502-695-6767

September 17, 2020

Scott S. Harris
Clerk of the Court
Supreme Court of the United States
Office of the Clerk
1 First Street, NE
Washington, DC 20543-001

RE: Kentucky v. Larry Lamont White, No. 20-240 (a capital case)

Dear Mr. Harris:

Respondent, Larry Lamont White, by undersigned counsel, pursuant to Rule 30.4, respectfully requests a thirty (30) day extension, to and including October 28, 2020, to file a Brief in Opposition to the Commonwealth of Kentucky's Petition for a Writ of Certiorari from the Supreme Court of Kentucky.

The Commonwealth of Kentucky filed a petition for a writ of certiorari to this Court which was docketed on August 28, 2020 from the Kentucky Supreme Court's opinion of March 26, 2020. Because it involved a death sentence, a Brief in Opposition is required. Undersigned counsel requests an extension of time of thirty days to and including October 28, 2020.

This case involves the decision of the Supreme Court of Kentucky remanding Mr. White's case to the trial court for an evidentiary hearing after his counsel presented sufficient evidence to question whether he suffers from intellectual disability. The Petitioner asks this Court to find Mr. White can waive this issue based on several letters he wrote to the Supreme Court. Because many reasons exist on which the Petitioner's petition for certiorari should be denied, undersigned counsel wish to file a thorough Brief in Opposition.

Counsel has been working diligently on the Brief in Opposition. However, counsel requests a short extension in order to allow sufficient time for conducting additional legal research and for drafting the response to the Commonwealth. Counsel Arnold is the Department of Public Advocacy Division Director, managing three branches of that agency with over 55 staff.

Counsel Schmidt is the Appeals Branch Manager, managing three units of 20 appellate attorneys and staff and Counsel Yang is a staff attorney in the Appeals Branch. Since the Commonwealth's Petition for Certiorari was filed, counsel has performed work on at least 21 cases in addition to their other duties. Counsel notes that due to the pandemic, their office is still closed to the public and most staff are working from home. While work has continued, counsel also has added duties related to caring for young children and assisting with non-traditional education.

Counsel also notes he has mailed a copy of this letter to opposing counsel on this date postage prepaid.

Sincerely,



*KATHLEEN K. SCHMIDT
Department of Public Advocacy
5 Mill Creek Park Section 100
Frankfort, Kentucky 40601
(502) 564-8006
(502) 695-6767 (fax)

*Counsel for Respondent

TIMOTHY G. ARNOLD
Department of Public Advocacy
5 Mill Creek Park
Frankfort, Kentucky 40601
(502) 564-8006
(502) 695-6767 (fax)

*Counsel for Respondent

ERIN HOFFMAN YANG
Department of Public Advocacy
5 Mill Creek Park Section 100
Frankfort, Kentucky 40601
(502) 564-8006
(502) 695-6767 (fax)
*Counsel for Respondent

cc: Matthew Franklin Kuhn