



OFFICE OF ATTORNEY GENERAL
STATE OF OKLAHOMA

September 23, 2021

Mr. Scott S. Harris, Clerk
The Supreme Court of the United States
One First Street, NE
Washington, DC 20543

RE: *Nolen v. Oklahoma*, Case No. 21-5491

Dear Mr. Harris:

Pursuant to Rule 30.4 of the Rules of the Supreme Court, undersigned counsel hereby requests an extension of time in which to respond to the petition for writ of certiorari filed in the above-captioned case. The extension is justified for the following reasons.

The petition was filed on August 16, 2021. The brief in opposition is due on September 27, 2021. Counsel for the State will not be able to complete the brief by the filing deadline for the following reasons. The undersigned has been part of the team filing a number of certiorari petitions in cases arising out of this Court's decision in *McGirt v. Oklahoma*, 140 S. Ct. 2452 (2020), including the following since the petition was filed in this case: *Oklahoma v. Williams*, Case No. 21-265, filed August 21, 2021; *Oklahoma v. Mize*, Case No. 21-274, filed August 21, 2021; *Oklahoma v. Ball*, Case No. 21-327, filed August 27, 2021; *Oklahoma v. Sizemore*, Case No. 21-326, filed August 27, 2021; *Oklahoma v. Spears*, Case No. 21-323, filed August 28, 2021; *Oklahoma v. Bain*, Case No. 21-319, filed August 27, 2021; *Oklahoma v. Harjo*, Case No. 21-322, filed August 27, 2021; *Oklahoma v. Janson*, Case No. 21-325, filed August 27, 2021; *Oklahoma v. Grayson*, Case No. 21-324, filed August 27, 2021; *Oklahoma v. Perry*, Case No. 21-320, filed August 27, 2021; *Oklahoma v. Johnson*, Case No. 21-321, filed August 27, 2021; *Oklahoma v.*

Cooper, Case No. 21-372, filed September 4, 2021; *Oklahoma v. Beck*, Case No. 21-373, filed September 4, 2021; *Oklahoma v. Epperson*, Case No. 21-369, filed September 4, 2021; *Oklahoma v. Stewart*, Case No. 21-370, filed September 4, 2021; *Oklahoma v. Jones*, Case No. 21-371, filed September 4, 2021; *Oklahoma v. Castro-Huerta*, Case No. 21-429, filed September 17, 2021; *Oklahoma v. Jones*, Case No. 21-____, filed September 17, 2021; *Oklahoma v. Martin*, Case No. 21-____, to be filed September 24, 2021; *Oklahoma v. McDaniel*, Case No. 21-____, to be filed September 24, 2021; *Oklahoma v. Shriver*, Case No. 21-____, to be filed September 24, 2021; *Oklahoma v. Fox*, Case No. 21-____, to be filed September 24, 2021; and *Oklahoma v. McCombs*, Case No. 21-____, to be filed September 24, 2021.

I have also recently completed additional *McGirt*-related filings. On September 2, 2021, I filed *Motion to File Supplemental Brief in Light of State ex rel. Matloff v. Wallace* and tendered *State's Supplemental Brief in Light of State ex rel. Matloff v. Wallace* in *Terry v. State*, Case No. PC-2018-1076. On August 31, 2021, I filed *State's Notice of Decision in State ex rel. Matloff v. Wallace, 2021 OK CR 21, ____ P.3d ____ and Request to Modify this Court's Prior Opinion in this Case Granting Post-Conviction Relief or Alternatively Request to Continue Stay in Bench v. State*, Case No. PCD-2015-698, *Cole v. State*, Case No. PCD-2020-529, and *Ryder v. State*, Case No. PCD-2020-613. And on August 23, 2021, I filed *Response to Application for Post-Conviction Relief* in *Smith v. State*, Case No. PC-2021-269.

I am part of the team helping to manage and oversee any *McGirt*-related litigation in the criminal appeals division of the Oklahoma Attorney General's Office. I am also a reviewer of the work of two other attorneys in the criminal appeals division, and in that capacity I review all pleadings filed by those individuals. Finally, I am chief of the federal habeas unit within the division, and in so doing am in charge of federal habeas training and reviewing all federal filings by habeas trainees. These responsibilities consume a significant amount of my time.

For all of the foregoing reasons, the State respectfully requests an additional thirty days, or until October 27, 2021, in which to file its brief in opposition.

**JOHN M. O'CONNOR
ATTORNEY GENERAL OF OKLAHOMA**

A handwritten signature in black ink, appearing to read 'Caroline E.J. Hunt', written over a horizontal line.

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