

No. _____

CAPITAL CASE

IN THE SUPREME COURT OF THE UNITED STATES

LEONARD TAYLOR,
Petitioner,

vs.

PAUL BLAIR,
Respondent.

**APPLICATION FOR A SIXTY (60) DAY EXTENSION OF TIME
IN WHICH TO FILE PETITION FOR A WRIT OF CERTIORARI**

TO: THE HONORABLE BRETT M. KAVANAUGH, ASSOCIATE JUSTICE OF THE UNITED STATES SUPREME COURT, AND CIRCUIT JUSTICE FOR THE EIGHTH CIRCUIT:

Pursuant to Rule 13.5, petitioner respectfully requests a sixty (60) day extension of time in which to file his petition for a writ of certiorari in this Court, up to and including March 18, 2022. In support of this application, petitioner states the following grounds:

1. Petitioner, Leonard Taylor, is a Missouri prisoner under a sentence of death who intends to seek discretionary review in this Court, pursuant to 28 U.S.C. § 1254, of the judgment affirming the denial of his petition for a writ of habeas

corpus from the Eighth Circuit Court of Appeals, issued on July 26, 2021. A copy of the opinion is attached hereto. The Eighth Circuit subsequently denied rehearing and rehearing *en banc* on October 19, 2021. A copy of this order is attached hereto.

2. Pursuant to Rule 13, petitioner's petition for a writ of certiorari is currently due on or before January 18, 2022.

3. Petitioner intends to file a petition for a writ of certiorari seeking discretionary review from this Court on questions surrounding whether trial counsel was ineffective in waiving closing argument during the penalty phase of his trial.

4. Since the Eighth Circuit denied Mr. Taylor's petition for rehearing, CJA appointed co-counsel Kent Gipson had to prepare for and represent Aasim Karim in a week long first degree murder trial in the Circuit Court of Jackson County, Missouri, that was completed on November 15, 2021. On November 18, 2021, Mr. Gipson had to prepare for and conduct oral argument before the Eighth Circuit Court of Appeals in *United States v. Alloway*. During the rest of the month of November, Mr. Gipson's time was consumed in preparing a proposed order for a Special Master of more than one hundred pages in length in the state habeas case of *Carnes v. Buckner* that is currently before the Missouri Supreme Court. Mr. Gipson also had an unextendable deadline of December 8, 2021, to file an

application for transfer before the Missouri Supreme Court in *Wells v. Missouri Department of Corrections*. On December 13, 2021, Mr. Gipson had to travel to Jefferson City, Missouri, for a hearing before the Circuit Court of Cole County, Missouri, in the case of *Midgyett v. Ramey*. On December 27, 2021, Mr. Gipson filed an amended motion pursuant to Missouri Supreme Court Rule 29.15 in Circuit Court of Jackson County, Missouri, in *Gonsalez v. State*. Mr. Gipson also has an unextendable deadline of December 28, 2021, to file an amended motion for post-conviction relief under Missouri Supreme Court Rule 29.15 in the Circuit Court of Jackson County, Missouri, in *Oglesby v. State*. Mr. Gipson's ability to work on this petition has also been hindered by the recent death of his mother, which necessitated his absence from the office to attend her funeral in Southwest Missouri on December 18, 2021.

5. During the past ninety days, co-counsel Kevin Schriener has filed proposed findings of fact and conclusions of law for a state post-conviction proceeding in *Young v. State* in the Jackson County Circuit Court; filed a proposed judgment in *Hernandez v. Mo. Board of Prob. And Parole* in the Cole County Circuit Court; filed a Rule 59(e) motion in *De La Hunt v. Villmer* in the U.S. District Court for the Eastern District of Missouri; filed an application for a certificate of appealability in *Gittemeier v. Lawson* in the Eighth Circuit Court of Appeals; filed an appellate brief in *Payne v. State* in the Missouri Court of Appeals

for the Eastern District; filed a reply in *In re: Bryant*, in the Missouri Supreme Court; filed a Rule 59(e) motion in *Buford v. Cassady*, in the U.S. District Court for the Eastern District of Missouri; filed a petition for writ of certiorari in *Blakeney v. United States*, in this Court; filed a petition for writ of habeas corpus in *Johnson v. Redington*, in the Missouri Court of Appeals for the Eastern District; conducted an evidentiary hearing in *State v. Keathley*, in the Greene County Circuit Court; filed a response in opposition to a motion to dismiss and attended a hearing in *Blakeney v. Ponder* in the Circuit Court of the City of St. Louis; conducted a state post-conviction evidentiary hearing in *Montoya v. State*, in Chariton County Circuit Court; filed an appellate brief in *State v. Perkins*, in the Missouri Court of Appeals for the Southern District; filed a petition for rehearing in *Roberts v. Vandergriff* in the Eighth Circuit Court of Appeals; filed an application for a certificate of appealability in *Straub v. Falkenrath* in the Eighth Circuit Court of Appeals; and has been involved in capital litigation in *Deck v. Blair* and *State v. Deck*, in the Missouri Supreme Court in opposition to the state's request for an execution date.

WHEREFORE, for the foregoing reasons, petitioner respectfully requests that Justice Kavanaugh, in his capacity as Circuit Justice for the Eighth Circuit, issue an order granting petitioner a sixty day (60) extension of time up to and including March 18, 2022, in which to file his petition for a writ of certiorari.

Respectfully submitted,

/s/ Kent E. Gipson

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ATTORNEYS FOR APPELLANT

CERTIFICATE OF SERVICE

I, Kent E. Gipson, attorney for petitioner, hereby certify that on the 27th day of December, 2021, a true and correct copy of the foregoing was mailed to: Katharine Dolin, Assistant Attorney General, P.O. Box 899, Jefferson City, Missouri 65102.

/s/ Kent E. Gipson

Kent E. Gipson