

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

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**CAPITAL CASE**

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**IN THE SUPREME COURT OF THE UNITED STATES**

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**JOHNNY JOHNSON,**  
*Petitioner,*

vs.

**PAUL BLAIR,**  
*Respondent.*

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**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 September 6, 2022. In support of this application, petitioner states the following grounds:

1. Petitioner, Johnny Johnson, 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 January 21, 2022. A copy of the opinion is attached hereto. The Eighth Circuit subsequently denied rehearing and rehearing *en banc* on April 8, 2022. 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 July 7, 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 failing to investigate and present mitigating circumstances at the penalty phase of his trial.

4. Since the Eighth Circuit denied Mr. Johnson's petition for rehearing, CJA appointed co-counsel Taylor Rickard has obtained other employment and, effective May 27, 2022, will be terminating her practice of law.

5. Co-counsel Kent Gipson is in the process of securing co-counsel in the case and new co-counsel will need as much time as possible to become familiar with the record in order to assist Mr. Gipson in preparing the petition.

6. Co-counsel Gipson also has several contemporaneous obligations in late June and July that would hamper his ability to meet the current deadline, including two evidentiary hearings scheduled the week before the petition is due and a two day evidentiary hearing set in St. Louis County on July 14, 2022.

**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 September 6, 2022, in which to file his petition for a writ of certiorari.

Respectfully submitted,

*/s/ Kent E. Gipson*

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*ATTORNEY FOR APPELLANT*

### **CERTIFICATE OF SERVICE**

I, Kent E. Gipson, attorney for petitioner, hereby certify that on the 27th day of May, 2022, a true and correct copy of the foregoing was mailed to: Gregory Goodwin, Assistant Attorney General, P.O. Box 899, Jefferson City, Missouri 65102.

*/s/ Kent E. Gipson*

Attorney for Appellant