

CAPITAL CASE  
No. \_\_\_\_\_

IN THE SUPREME COURT OF THE UNITED STATES

October Term 2022

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WALTER RAGLIN,

Petitioner,

v.

WARDEN TIM SHOOP,

Respondent.

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UNOPPOSED APPLICATION TO EXTEND THE TIME TO FILE  
A PETITION FOR WRIT OF CERTIORARI  
TO THE UNITED STATES COURT OF APPEALS FOR THE SIXTH CIRCUIT

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**Deborah L. Williams,**  
Federal Public Defender  
by:

**Allen L. Bohnert (OH 0081544)**  
**(Supreme Court Bar No. 280600)**  
*\*Counsel of Record*  
Assistant Federal Public Defender  
**Jacob A. Cairns (OH 0075828)**  
**(Supreme Court Bar No. 267790)**  
Assistant Federal Public Defender  
Office of the Federal Public Defender  
for the Southern District of Ohio  
Capital Habeas Unit  
10 W. Broad Street, Suite 1020  
Columbus, Ohio 43215  
(614) 469-4116  
(614) 469-2999 (Fax)  
allen\_bohnert@fd.org  
jacob\_cairns@fd.org  
Counsel for Petitioner Walter Raglin

To the Honorable Brett Kavanaugh, Circuit Justice for the United States Court of Appeals for the Sixth Circuit:

1. For the specific reasons set forth below, Petitioner Walter Raglin respectfully requests, under Supreme Court Rules 13.5, 22, and 30.3, a sixty-day extension of time to file his petition for a writ of certiorari regarding the denial, by the United States Court of Appeal for the Sixth Circuit, of his petition for habeas corpus relief. This would move his filing deadline from September 28, 2022, to November 27, 2022. Mr. Raglin's case includes numerous claimed constitutional violations arising from his trial and death sentence, including a claim focused on his trial counsel's inexplicable admission during voir dire and in opening statement that Mr. Raglin was guilty of murder, juxtaposed against counsel's contradictory argument for acquittal of the murder charge during closing arguments.
2. An Ohio jury convicted Mr. Raglin of aggravated murder and recommended a death sentence as punishment. The trial court accepted that recommendation and the state courts affirmed Mr. Raglin's conviction and death sentence on direct appeal. The Ohio courts also denied Mr. Raglin's request for post-conviction relief.
3. Mr. Raglin filed an application for a writ of habeas corpus in the U.S. District Court for the Southern District of Ohio (Case No. 1:00-cv-00767), where he was represented by appointed counsel. Eventually, and after three requests for new counsel by Mr. Raglin, counsel from the Office of the Federal Public Defender for the Southern District of Ohio's Capital Habeas Unit was appointed to represent Mr. Raglin. In the course of that representation, new counsel identified additional

factual matters that supported Mr. Raglin’s claims, as well as new claims themselves. Ultimately, however, the federal district court denied Mr. Raglin’s petition. After litigation over the certificate of appealability, Mr. Raglin’s case continued into the Sixth Circuit. That court eventually denied Mr. Raglin relief as well, in an opinion issued on June 1, 2022. A copy of the Sixth Circuit’s opinion denying relief is attached. The court then denied Mr. Raglin’s petition for rehearing and rehearing *en banc*, in an order issued on June 30, 2022.

4. Mr. Raglin seeks for this Court to review the Sixth Circuit’s June 1, 2022, opinion. Jurisdiction in this Court is appropriate under 28 U.S.C. § 1254(1). Under this Court’s Rules, Mr. Raglin’s deadline to file a petition for writ of certiorari following the Sixth Circuit’s denial of his appeal is September 28, 2022.

5. Mr. Raglin now seeks an extension of that deadline for an additional sixty (60) days. Good cause exists to justify Mr. Raglin’s requested extension. His counsel require additional time to draft a petition for a writ of certiorari due to their obligations to other capital clients in various stages of state and federal litigation, as well as personal reasons. In particular, counsel are reviewing all of their Ohio clients’ cases in light of the Supreme Court of Ohio’s recent holdings in *State v. Bethel*, 2022-Ohio-783 (Mar. 22, 2022), that is it not “within the trial court’s discretion to deny . . . a motion for leave” to file a new-trial motion under Ohio Rule of Criminal Procedure 33 based on a defendant’s failure to file the motion within a reasonable time after discovering new evidence, and that a defendant seeking to assert a claim under *Brady v. Maryland* in an untimely or successive petition for

post-conviction relief “is not required to show that he could not have discovered suppressed evidence by exercising reasonable diligence.” In addition, Mr. Raglin is litigating a motion for leave to file a delayed motion for new trial based on newly discovered evidence of severe racial discrimination that infected Hamilton County’s death penalty practices and procedures at the time of his trial and sentence. In that litigation, *State of Ohio v. Walter Raglin*, Case No. B-9600135 (Hamilton County, Ohio), Mr. Raglin has a Reply Brief due on August 4, 2022, for which both of the undersigned counsel are involved. Additionally, Mr. Raglin’s lead counsel in this case has an August 4, 2022, deadline to file a response to a matter in *In re Ohio Execution Protocol Litigation*, S.D. Ohio Case No. 2:11-cv-01016, which is complex litigation over Ohio’s method of execution. Counsel also has another deadline to file a petition for writ of certiorari in this Court, no later than September 23, 2022, in *Larry Gapen v. State of Ohio*, No. 21A787. Additionally, counsel has deadlines to file amended petitions seeking relief under Ohio’s new “Serious Mental Illness” statute in *State of Ohio v. Bobby Sheppard*, Case No. B-94-5527 (Hamilton County, Ohio), and *State of Ohio v. Kenneth Smith*, Case No. CR1995-05-0471 (Butler County, Ohio), on October 3, 2022, and October 4, 2022, respectively. These are cases of first impression in the Ohio state trial courts, and require extensive work with the clients and medical experts in advance of the filing deadlines.

6. Finally, Mr. Raglin’s counsel of record in this Court presents with personal matters that require an extension: Attorney Bohnert faces a medical procedure that has now been rescheduled by the doctor to August 12, 2022, which will require a

preparation and recovery period; Attorney Bohnert also just received a summons for two weeks of jury duty in Franklin County, Ohio, starting on August 15, 2022.

7. Petitioner Raglin's counsel thus respectfully request an extension of time to adequately prepare his petition for a writ of certiorari.

8. Counsel for Respondent Warden Tim Shoop, Assistant Attorney General Charles L. Wille, of the Office of the Ohio Attorney General, has stated that he does not and will not oppose this 60-day extension.

Therefore, Petitioner Walter Raglin respectfully requests that an order be entered extending his time to file a petition for a writ of certiorari for sixty days, from September 28, 2022, to November 27, 2022.

Respectfully submitted this 18th day of July, 2022,

**Deborah L. Williams**  
Federal Public Defender,  
by:

*/s/ Allen L. Bohnert*  
**Allen L. Bohnert (OH 0081544)**  
**(Supreme Court Bar No. 280600)**  
*\*Counsel of Record*  
Assistant Federal Public Defender

*/s/ Jacob A. Cairns*  
**Jacob A. Cairns (OH 0075828)**  
**(Supreme Court Bar No. 267790)**  
*Co-Counsel*  
Assistant Federal Public Defender  
Office of the Federal Public Defender  
for the Southern District of Ohio  
Capital Habeas Unit  
10 W. Broad Street, Suite 1020  
Columbus, Ohio 43215  
(614) 469-4116  
(614) 469-2999 (Fax)  
allen\_bohnert@fd.org  
jacob\_cairns@fd.org  
Counsel for Petitioner Walter Raglin