



STATE OF NEBRASKA
Office of the Attorney General
2115 STATE CAPITOL BUILDING
LINCOLN, NE 68509-8920
(402) 471-2682
TDD (402) 471-2682
FAX (402) 471-3297 or (402) 471-4725

DOUGLAS J. PETERSON
ATTORNEY GENERAL

JAMES D. SMITH
Senior Assistant
Attorney General

December 29, 2022
(Electronically filed)

Scott S. Harris
Clerk of the United States Supreme Court
One First Street, N.E.
Washington, D.C. 20543

Re: John Lotter v. Nebraska, No. 22-6191
Capital Case
Rule 30.4 extension request – unopposed

Dear Mr. Harris:

The Respondent State of Nebraska requests an extension to and including February 14, 2023, to file its response brief in opposition to the Petitioner's petition for a writ of certiorari. Petitioner's counsel of record has advised the State's undersigned counsel that there is no objection to this request.

The extension request is made because undersigned counsel will be out of the country for two weeks in January and because the Petitioner's certiorari petition involves three consolidated Nebraska Supreme Court appeals along with a substantial history of prior appeals involving multiple state and federal habeas and other collateral attack cases by the Petitioner. The undersigned caseload is such that the additional time is needed to prepare a proper response brief in opposition.

Sincerely,

A handwritten signature in blue ink that reads "J D Smith".

James D. Smith
Senior Assistant Attorney General
Counsel of Record
james.smith@nebraska.gov
Tel: 402-471-2686
Fax: 402-471-3297
State of Nebraska, Respondent

cc: Shawn Nolan, Petitioner's Counsel