

CASE NO. _____

IN THE
SUPREME COURT OF THE UNITED STATES

October Term 2021

Gary Andrews, Jr.,
Applicant/Petitioner,

v.

Missouri,
Respondent.

Application for an Extension of Time Within
Which to File a Petition for a Writ of Certiorari to the
Supreme Court of the State of Missouri

TO THE HONORABLE
JUSTICE BRETT M. KAVANAUGH AS CIRCUIT JUDGE

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August 5, 2022

APPLICATION FOR AN EXTENSION OF TIME

Pursuant to Rule 13.5 of the Rules of this Court, Applicant Gary Andrews, Jr., hereby requests a 60-day extension of time within which to file a petition for a writ of certiorari up to and including Friday, October 14, 2022.

JUDGMENT FOR WHICH REVIEW IS SOUGHT

The judgment for which review is sought is *State of Missouri v. Gary Andrews, Jr.*, No. SC99063 (March 15, 2022) (attached as Exhibit 1). The Supreme Court of Missouri denied Applicant's motion for rehearing on May 17, 2022 (attached as Exhibit 2).

JURISDICTION

This Court will have jurisdiction over any timely filed petition for certiorari in this case pursuant to 28 U.S.C. § 1257(a). Pursuant to Rules 13.1, 13.3, 30.1 of the Rules of this Court, a petition for a writ of certiorari is due to be filed on or before August 15, 2022. In accordance to Rule 13.5, this application is being filed 10 days before the filing deadline for the petition for a writ of certiorari.

REASONS JUSTIFYING AN EXTENSION OF TIME

Applicant respectfully requests a 60-day extension of time within which to file a petition for a writ of certiorari for the following reasons:

1. Applicant's Counsel of Record, Nina M. McDonnell, was not involved in the litigation below before the Supreme Court of Missouri. Previous counsel for Applicant ("Previous Counsel") left his employment with the Missouri State Public Defender ("MSPD") Area 51: Appellate and PCR, on

July 29, 2022. This case was reassigned to Applicant's Counsel of Record on August 2, 2022. Previous Counsel had completed no substantive work on Applicant's petition for a writ of certiorari before the case was reassigned to Counsel of Record. It will take Counsel of Record considerable time to familiarize herself with the record and prepare a petition for the Court.

2. Counsel of Record is an assistant public defender of MSPD and has duties and responsibilities in the press of other client business in the coming weeks, including, but not limited to: an appellant's brief in *Leland Dent v. Missouri*, Cause No. ED110430; an evidentiary hearing in *James D. Beerbower v. State of Missouri*, Cause No. 21RE-CC00017; an amended motion in *Cleveland Jones v. State of Missouri*, Cause No. 22SL-CC02151; an evidentiary hearing in *Mark Ligue v. State of Missouri*, Cause No. 20SF-CC00004; an appellant's brief in *State of Missouri v. Keenen E. Chambers-King*, Cause No. ED110462; an appellant's brief in *State of Missouri v. Tyrone Valentine*, Cause No. ED110295; an appellant's brief in *Walter Nickels v. State of Missouri*, Cause No. ED110571; a resentencing hearing in *Robyn Evans v. State*, Cause Nos. 17JE-CR02197-01, 17JE-CR00145-01, and 17JE-CR00590-01; a response to a motion to dismiss and motion hearing in *George E. Joyner v. State of Missouri*, Cause No. 19SL-CC02755; and an amended motion in *Nelson T. Clark v. State of Missouri*, Cause No. 2122-CC01008.

3. Counsel of Record also is attending MSPD New Defender Training from August 22 to August 26, 2022; and MSPD Forensics Training from September 14 to September 16, 2022, in Columbia, Missouri;
4. Counsel of Record does not make this request for purposeful delay or vexation intent, or in any way to cause prejudice to Respondent.

CONCLUSION

For the foregoing reasons, Applicant Gary Andrews Jr., respectfully requests that the time to file a petition for a writ of certiorari in this matter be extended 60 days, up to and including October 14, 2022.

Respectfully submitted,

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