

No.

IN THE SUPREME COURT OF THE UNITED STATES

CEDRIC THEODIS HOBBS,

Petitioner,

-v-

STATE OF NORTH CAROLINA,

Respondent.

**APPLICATION FOR EXTENSION OF TIME IN WHICH TO FILE
PETITION FOR WRIT OF CERTIORARI**

TO THE HONORABLE JOHN G. ROBERTS, JR., CHIEF JUSTICE OF THE
UNITED STATES AND CIRCUIT JUSTICE FOR THE FOURTH CIRCUIT:

NOW COMES petitioner, Cedric Theodis Hobbs, pursuant to Supreme Court Rule 13.5, and respectfully requests a sixty-day extension of time for filing a petition for a writ of certiorari to the Supreme Court of North Carolina, such extension to include September 25, 2023. This application is submitted more than ten days prior to the scheduled filing date for the petition, which is July 25, 2023. In support of this application, petitioner shows the following:

1. This is a capitally-tried case resulting in a sentence of life without parole, in which petitioner plans to file in this Court a petition for a writ of certiorari to the Supreme Court of North Carolina, asking this Court to review the final judgment by the Supreme Court of North Carolina in the direct appeal of

petitioner's convictions, his life sentence for first-degree murder, and his remaining sentences for terms of years.

2. Petitioner was convicted of first-degree murder, two counts of armed robbery, two counts of attempted armed robbery, and one count of conspiracy to commit armed robbery in Cumberland County Superior Court, North Carolina on December 12, 2014. On December 18, 2014, the jury could not reach a unanimous verdict at Mr. Hobbs' capital sentencing hearing, and he was sentenced to life imprisonment without parole for first-degree murder and attempted armed robbery, and to terms of years for the remaining convictions. The North Carolina Supreme Court affirmed Mr. Hobbs' convictions on direct appeal in an opinion filed on April 6, 2023. *State v. Hobbs*, No. 263PA18-2, slip op. (N.C. 2023). The Supreme Court of North Carolina entered its judgment affirming the convictions and sentences on April 26, 2023. Under N.C. R. App. P. 32(b), the judgment entered on April 26, 2023 is the actual judgment in the direct appeal. Copies of the April 6, 2023 opinion of the Supreme Court of North Carolina and of the April 26, 2023 judgment of the Supreme Court of North Carolina are attached to this application as Exhibits A and B, respectively.

3. Since the judgment of the Supreme Court of North Carolina was entered on April 26, 2023, petitioner's Petition for Writ of Certiorari must be filed on or before July 25, 2023.

4. The Supreme Court of North Carolina rejected petitioner's Federal constitutional challenge arising from the Fourteenth Amendment to the United

States Constitution and *Batson v. Kentucky*, 476 U.S. 79 (1986) to the State's use of three peremptory challenges to remove three Black potential jurors. Petitioner intends to raise this issue in this Court under the jurisdiction conferred by 28 U.S.C. §1257.

5. The undersigned, Appellate Defender Glenn Gerding, is counsel of record and is a member of the bar of this Court. Since entry of judgment by the Supreme Court of North Carolina on April 26, 2023, Mr. Gerding and his co-counsel for this case, Assistant Appellate Defender Sterling Rozear, have been involved in other litigation and administrative matters and have been unable to prepare the aforementioned petition.

6. Since April 26, 2023, Mr. Gerding has been unable to prepare the petition due to his administrative responsibilities as the Appellate Defender of North Carolina. Mr. Rozear attended and presented at the University of North Carolina School of Government's Spring Public Defender Conference from May 10 through May 12, 2023, as well as presenting an additional 2-hour CLE on May 26, 2023. Mr. Rozear also filed the record on appeal in *State v. Covington*, COA23-480, with the North Carolina Court of Appeals on May 23, 2023. Mr. Rozear also drafted and filed the brief in *State v. Woodring*, COA23-293, on June 5, 2023 in the North Carolina Court of Appeals. Mr. Rozear anticipates filing the brief in *State v. Yancey*, COA23-345, on June 19, 2023 in the North Carolina Court of Appeals. Mr. Rozear has also been involved in several consultations, moots, and brainstorming sessions with counsel across the State of North Carolina, as part of his duties as an

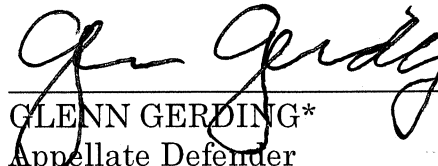
Assistant Appellate Defender. Finally, Mr. Rozear will be on vacation from June 16 through June 26, 2023.

7. This sixty-day extension is fully justified and necessary. The extension will give counsel sufficient time to write the petition for a writ of certiorari in this case as well as complete their other work.

8. Petitioner remains incarcerated. No prejudice to respondent's concerns will result from this requested extension.

WHEREFORE, petitioner respectfully requests that an order be entered extending the time for filing a petition for a writ of certiorari in this matter to and including September 25, 2023.

Respectfully submitted this 14th day of June, 2023.



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LIST OF EXHIBITS

Opinion of the Supreme Court of North Carolina in

State v. Hobbs, 884 S.E.2d 639 (2023) Exhibit A

Judgment of the Supreme Court of North Carolina in

State v. Hobbs, 884 S.E.2d 639 (2023) Exhibit B