

CAPITAL CASE

Case No. _____

IN THE SUPREME COURT OF THE UNITED STATES

October Term, 2022

JAMES MAMMONE III, PETITIONER,

VS.

CHARLOTTE JENKINS, RESPONDENT.

**APPLICATION FOR EXTENSION OF TIME
TO FILE PETITION FOR WRIT OF CERTIORARI
TO THE UNITED STATES COURT OF APPEALS FOR THE SIXTH CIRCUIT**

To the Honorable Brett Kavanaugh, Associate Justice of the Supreme Court of the United States and Circuit Justice for the Sixth Circuit:

1. James Mammone was convicted of aggravated murder with death penalty specifications and sentenced to death by the State of Ohio.
2. This application relates to the Mammone's appeal to the United States Court of appeals for the Sixth Circuit. The Court of Appeals affirmed the denial of habeas relief on September 21, 2022. The Petition for writ of Certiorari is currently due on December 20, 2022. Mammone respectfully requests a sixty-day extension of time to file his Petition for a Writ of Certiorari. Mammone requests until February 20, 2023, to file his Petition. This court has jurisdiction under 28 U.S.C. §1254(1).
3. Mr. Mammone submits that good cause exists for this extension. Counsel has extensive commitments in other capital cases that prevent completion of Mr. Mammone's Petition by December 20, 2022.

4. Attorney Hicks is an Assistant Federal Public Defender with the Capital Habeas Unit of the Office of the Federal Public Defender for the Northern District of Ohio. The Capital Habeas Unit represents people convicted of capital offenses and sentenced to death in Ohio and other jurisdictions. Attorney Hicks is the only counsel of record on Mr. Mammone's case currently.
5. Attorney Hicks was recently assigned to Pete VanWinkle, Case No. 2:18-CV-03290-MTL, a case out of the District of Arizona which requires out of state travel and has an extensive record with a pleading deadline of January 20, 2022. Additionally, counsel is actively involved in other cases in the office scheduled for state court evidentiary hearings, as well as other capital habeas matters.
6. Counsel has been preparing the petition and materials for presentation to this Court. However, due to the press of other obligations, counsel needs additional time to file the petition.

Therefore, counsel for Petitioner James Mammone respectfully requests that an order be entered extending his time to file a petition for a writ of certiorari for sixty days, until February 20, 2023. This request for extension of time is not for delay but to ensure the petition for writ of certiorari filed in this Court is the most complete and effective petition for Mr. Mammone. Counsel for Warden Charlotte Jenkins was contacted and has no objection to this request.

Respectfully submitted,

STEPHEN C. NEWMAN (Ohio Bar: 0051928)
Federal Public Defender

/s/ SHARON A. HICKS
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CERTIFICATE OF SERVICE

I certify that on December 1, 2022, the **APPLICATION FOR EXTENSION OF TIME TO FILE PETITION FOR WRIT OF CERTIORARI TO THE UNITED STATES COURT OF APPEALS FOR THE SIXTH CIRCUIT** was sent via FedEx for overnight delivery to the Clerk of the Supreme Court for filing. A true and correct copy of the Application was mailed with first class postage and emailed electronically to counsel for the State of Ohio:

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/s/ Sharon A. Hicks
SHARON A. HICKS
Assistant Federal Public Defender
Counsel for Petitioner James Mammone