

No.

IN THE SUPREME COURT OF THE UNITED STATES

OCTOBER TERM, 2022

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BENJAMIN YOUNG,

Petitioner,

v.

STATE OF ALABAMA,

Respondent.

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**Application for an Extension of Time  
to File a Petition for a Writ of Certiorari to the  
Alabama Court of Criminal Appeals**

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**To the Honorable Clarence Thomas, Associate Justice of the  
Supreme Court of the United States and Circuit Justice for the United  
States Court of Appeals for the Eleventh Circuit:**

Pursuant to Rules 13.5 and 30 of the Rules of this Court, Applicant Benjamin Young respectfully requests a 30-day extension of time within which to file a petition for a writ of certiorari up to and including Tuesday, February 21, 2023:

1. The jurisdiction of this Court is invoked pursuant to 28 U.S.C. § 1257(a).

2. On August 6, 2021, the Alabama Court of Criminal Appeals affirmed Mr. Young's convictions and sentence of death. *Young v. State*, No. CR-17-0595, 2021 WL 3464152 (Ala. Crim. App. Aug. 6, 2021). (Attached as Exhibit 1.) The Court of Criminal Appeals overruled his application for rehearing on February 4, 2022. (Attached as Exhibit 2.) Subsequently, on October 21, 2022, the Alabama Supreme Court denied Mr. Young's petition for writ of certiorari to the Alabama Court of Criminal Appeals. *Ex parte Young*, No. 1210291 (Ala. Oct. 21, 2022). (Attached as Exhibit 3.)

3. Pursuant to Rules 13.1, 13.3, and 30.1 of the Rules of this Court, a petition for a writ of certiorari is due to be filed on or before January 19, 2023. In accordance with Rule 13.5, this application is being filed more than 10 days in advance of the filing date for the petition for a writ of certiorari.

4. This is a capital case in which the death penalty has been imposed. Mr. Young is incarcerated at Holman Correctional Facility in Atmore, Alabama. No execution date has been scheduled in this case.

5. Petitioner's case raises meritorious issues regarding the constitutionality and reliability of his capital conviction and death sentence. As such, there are compelling questions about whether the Alabama Court of Criminal Appeals properly denied Mr. Young's appeal.

6. Undersigned counsel currently is involved in the appeals of many

capital cases: several habeas corpus cases in the federal district courts, postconviction cases in Alabama state courts, and several direct appeals to the Alabama Court of Criminal Appeals and the Alabama Supreme Court. Counsel faces a number of deadlines in these cases in the coming weeks.

7. An additional thirty (30) days is needed to prepare a pleading that adequately apprises this Court of the relevant facts and law in this case.

For these reasons, Mr. Young respectfully requests an additional thirty (30) days in which to file his petition for writ of certiorari, thereby changing to February 21, 2023, the date on or by which it must be filed.<sup>1</sup>

Respectfully submitted,

/s/ Angela L. Setzer  
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January 6, 2023

*Counsel for Benjamin Young*

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<sup>1</sup>Thirty days following January 19, 2023, is Saturday, February 18, 2023. Pursuant to Rule 30.1 and because Monday, February 20, 2023 is a federal holiday, 5 U.S.C. § 6103(a), the petition would be due Tuesday, February 21, 2023.