

No. _____

IN THE
SUPREME COURT OF THE UNITED STATES

CHRISOPHER WHITAKER,

Petitioner,

v.

THE STATE OF OHIO

Respondent.

On Petition for Writ of Certiorari to the Supreme Court of Ohio

APPLICATION FOR EXTENSION OF TIME
TO FILE PETITION FOR WRIT OF CERTIORARI

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Counsel for Petitioner Christopher Whitaker
**Counsel of Record*

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

Petitioner Christopher Whitaker respectfully asks for an extension of time in which to file a petition for writ of certiorari. The petition is currently due on January 23, 2023. Petitioner requests a 60-day extension, until March 24, 2023.

The judgment of the Ohio Supreme Court affirming Mr. Whitaker's conviction and death sentence was entered August 18, 2022. A timely filed motion for reconsideration was denied October 25, 2022. Attached are copies of the Ohio Supreme Court's opinion and of that court's entry denying reconsideration.

As the opinion in this case shows, it presents important issues involving the constitutionality of Ohio's death penalty statute. First, the Ohio Supreme Court has read the law in such a way that it bars a capital defendant who chooses to accept responsibility for his crime to plead guilty and have his sentence determined by a jury. Second, the Court has construed the law so that an accused in a capital case who undertakes to prepare evidence in mitigation for the penalty phase may not do so without exposing himself to a compelled evaluation by the government's psychiatric expert in violation of his rights under the Fifth, Sixth, Eighth, and Fourteenth Amendments to the United States Constitution.

Good cause exists for this requested extension. Counsel are engaged in the litigation of numerous other matters in the State Courts of Ohio as well at the Federal

District Court that require this request for additional time to effectively pursue the certiorari petition in this case.

For these reasons, Christopher Whitaker requests a 60-day extension of time in which to file his petition for a writ of certiorari.

Respectfully submitted,

Erika Cunliffe

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CERTIFICATE OF SERVICE

I certify that a copy of the Application for Extension of Time to File Petition for Writ of Certiorari was served via U.S. Mail this 13th day of January, 2023 upon

Katherine E. Mullin
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Respectfully submitted,

Erika Cunliffe

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