

No.

IN THE SUPREME COURT OF THE UNITED STATES

OCTOBER TERM, 2022

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DENNIS HICKS,

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 Dennis Hicks respectfully requests a 30-day extension of time within which to file a petition for a writ of certiorari up to and including Monday, March 20, 2023:

1. The jurisdiction of this Court is invoked pursuant to 28 U.S.C. § 1257(a).
2. After Mr. Hicks timely appealed his convictions and sentence, the

Alabama Court of Criminal Appeals affirmed his convictions on July 12, 2019, *see Hicks v. State*, No. CR-15-0747, 2019 WL 3070198, at \*44 (Ala. Crim. App. July 12, 2019) (Exhibit 1), but twice remanded the case to the circuit court for clarification of its sentencing order, *see id.*; Order, *Hicks v. State*, No. CR-15-0747 (Ala. Crim. App. June 24, 2020) (Exhibit 2). On May 28, 2021, the Alabama Court of Criminal Appeals affirmed Mr. Hicks's sentence on return to second remand. *Hicks v. State*, No. CR-15-0747, 2021 WL 2177671, at \*6 (Ala. Crim. App. May 28, 2021) (opinion on return to second remand) (Exhibit 3). On October 1, 2021, the Court of Criminal Appeals denied Mr. Hicks's application for rehearing. (Exhibit 4). Mr. Hicks filed a petition for writ of certiorari to the Alabama Supreme Court and on November 18, 2022, the Alabama Supreme Court issued an order quashing the writ. *Ex parte Hicks*, No. 1210013, 2022 WL 17073090 (Ala. Nov. 18, 2022) (Exhibit 5).

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 February 16, 2023.

4. This is a capital case in which the death penalty has been imposed. Mr. Hicks 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. Hicks' 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. Hicks respectfully requests an additional thirty (30) days in which to file his petition for writ of certiorari, thereby changing to March 20, 2023, the date on or by which it must be filed.<sup>1</sup>

Respectfully submitted,

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February 7, 2023

*Counsel for Dennis Hicks*

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<sup>1</sup>Thirty days following February 16, 2023, is Saturday, March 18, 2023. Pursuant to Rule 30.1, the petition would be due Monday, March 20, 2023.