

No. _____

IN THE
SUPREME COURT OF THE UNITED STATES

CRONIE LLOYD,

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

ERIKA CUNLIFFE*
NOELLE A. POWELL
310 Lakeside Avenue, Suite 200
Cleveland, OH 44113
(216) 443-7583
ecunliffe@cuyahogacounty.us
npowell@cuyahogacounty.us

Counsel for Petitioner Cronie Llyod
*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 Cronie Lloyd respectfully asks for an extension of time in which to file a petition for writ of certiorari. The petition is currently due on March 1, 2023.

Petitioner requests a 60-day extension, until April 30, 2023.

The judgment of the Ohio Supreme Court affirming Mr. Lloyd's conviction was entered December 1, 2022. Attached is a copy of the Ohio Supreme Court's opinion.

The underlying state court opinion upon which this petition will be grounded provides an opportunity to assess the deferential window through which State Courts of Appeal, generally, and Ohio's, specifically, determine the reasonableness of so-called strategic decisions by trial counsel in ascertaining whether trial counsel's performance was lacking. As the opinion shows, Mr. Lloyd is serving a life sentence for felony murder, after a single punch resulted in the victim's death. Mr. Lloyd argued to the Ohio Supreme Court that, when the record demonstrates that trial counsel misunderstood the law that applied to their client's case, any IAC analysis of that performance that follows no longer presumes that the lawyer was competent. The Ohio Supreme Court's decision concluding otherwise, has put the ability to rebut the presumption of competence, and thereby challenge his counsel's performance, out of reach.

Accordingly, this case presents important issues involving the right to effective assistance of counsel as guaranteed by the Sixth and Fourteenth Amendments to the United States Constitution and this Court's holdings in *Strickland v. Washington*, 466

U.S. 668, 104 S.Ct. 2052, 80 L.Ed.2d 674 (1984) and *Wiggins v. Smith*, 539 U.S. 510, 123 S.Ct. 2527, 156 L.Ed.2d 471 (2003).

Good cause exists for this requested extension. Undersigned counsel are engaged in the litigation of numerous other matters in the State Courts of Ohio that require this request for additional time to effectively pursue the certiorari petition in this case.

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

Respectfully submitted,

Erika Cunliffe

ERIKA CUNLIFFE*

NOELLE A. POWELL

310 Lakeside Avenue, Suite 200

Cleveland, OH 44113

(216) 443-7583

Counsel for Petitioner Cronie Lloyd

*Counsel of Record

No. _____

IN THE
SUPREME COURT OF THE UNITED STATES

CRONIE LLOYD,

Petitioner,

v.

THE STATE OF OHIO

Respondent.

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

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 (email and) U.S. Mail this 10th day of February 2023 upon

Katherine E. Mullin
Assistant Cuyahoga County Prosecutor
The Justice Center – 8th Floor
1200 Ontario Street
Cleveland, Ohio 44113
Counsel for Respondent the State of Ohio

Respectfully submitted,

Erika Cunliffe

ERIKA CUNLIFFE*
NOELLE A. POWELL
310 Lakeside Avenue, Suite 200
Cleveland, OH 44113
(216) 443-7583

Counsel for Petitioner Cronie Lloyd
*Counsel of Record