

No. \_\_\_\_\_

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IN THE  
SUPREME COURT OF THE UNITED STATES

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TYSHAWN SHEPARD,

*Petitioner,*

v.

THE STATE OF OHIO

*Respondent.*

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

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

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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 Tyshawn Shepard for an extension of time in which to file a petition for writ of certiorari. The Petition is currently due on January 24, 2024. Petitioner requests a 60-day extension, until March 25, 2024. The judgment of the Ohio Supreme Court affirming the judgment against Mr. Shepard was issued on October 26, 2023. Attached are copies of the intermediate Court of Appeals decision affirming Mr. Shepard's conviction and sentence and the Ohio Supreme Court's slip opinion affirming (this case and dozens of other cases) on the authority of that Court's decision in *State v. Hacker*, \_\_ Ohio St.3d \_\_, 2023-Ohio-2535, \_\_ N.En.3d \_\_.

This case provides this Court with an opportunity to consider Ohio's recently enacted indeterminate sentencing scheme violates the Sixth Amendment and Article I, Section 5 of the Ohio Constitution because a defendant's imprisonment is dependent upon a factual finding not made by the jury beyond a reasonable doubt.

Good cause exists for this requested extension. Undersigned counsel are engaged in the litigation of numerous other matters in the State Courts of Ohio as well as in the Federal District Court and Sixth Circuit Court of Appeal that require this request for additional time to effectively pursue the certiorari petition in this case.

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

Respectfully submitted,

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