

No. 24A_____

IN THE
Supreme Court of the United States

JAMES SKINNER,

Petitioner,

v.

LOUISIANA,

Respondent.

On Petition for a Writ of Certiorari
to the Louisiana Supreme Court

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

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**APPLICATION FOR EXTENSION OF TIME IN WHICH TO FILE
A PETITION FOR A WRIT OF CERTIORARI**

TO: Justice Samuel A. Alito, Jr., Circuit Justice for the United States
Court of Appeals for the Fifth Circuit:

Under this Court's Rules 13.5 and 22, Applicant James Skinner requests an extension of sixty (60) days in which to file a petition for a writ of certiorari in this case. His petition will challenge the Louisiana Supreme Court's decision denying Petitioner's writ to review the District Court's denial of post-conviction relief. *Louisiana v. Skinner*, 2024-KP-00142 (La. Feb 25, 2025) (denying review of *Louisiana v. Skinner*, 01-FELN-015992 (June 23, 2023)). A Louisiana trial court, on state post-conviction review, held that a U.S. Supreme Court decision summarily reversing Mr. Skinner's co-defendant's conviction under *Brady* did not control Mr. Skinner's case, despite his conviction resting on identical evidence and suffering from the same *Brady* violations. A copy of the Louisiana District Court's decision is attached at App. 4. A copy of the Louisiana Supreme Court's decision is attached at App. 1. In support of this application, Applicant states:

1. The Louisiana Supreme Court issued its final judgment denying Petitioner's writ on February 25, 2025. Without an extension, the petition for a writ of certiorari would be due on May 26, 2025. With the requested extension, the petition would be due on July 25, 2025. This Court's jurisdiction will be based on 28 U.S.C. § 1257.

2. This case arises from the tragic murder of Eric Walber in 1998. The murder led to the prosecution and conviction of Michael Wearry and petitioner James Skinner based primarily on testimony from jailhouse informants. The State concealed exculpatory evidence from both defendants.

3. In 2016, this Court reviewed Mr. Wearry's *Brady* claim. *Wearry v. Cain*, 577 U.S. 385 (2016). It found that the state post-conviction court had "egregiously misapplied settled law" under *Brady v. Maryland*, 373 U.S. 83 (1963). *Wearry*, 577 U.S. at 395. Under the proper standard, the withheld evidence was material because it undermined the credibility of the prosecution's two star witnesses. Describing the State's case as little more than a "house of cards," this Court summarily reversed Mr. Wearry's conviction. *Wearry*, 577 U.S. at 392, 396.

4. The exact same *Brady* violations resulted in Mr. Skinner's conviction. As in Mr. Wearry's case, no physical evidence connected Mr. Skinner to the crime. As in Mr. Wearry's case, Mr. Skinner's inability to effectively impeach the prosecution's star jailhouse informants doomed his defense. And as in Mr. Wearry's case, the magnitude of the injustice in Mr. Skinner's prosecution warrants the remedy of summary reversal.

5. In fact, Mr. Skinner presents an even stronger case for this Court's intervention than Mr. Wearry did:

a. First, the injustice has been amplified by the Louisiana post-conviction court's disregard of this Court's *Wearry* decision. Of that decision, the court said only: "[T]he Weary [sic] case is distinguishable enough from the

instant case that its decision does not compel this Court to follow suit.” App. 5. On appeal, dissenters from both the court of appeal and the Louisiana Supreme Court flatly rejected that characterization. *See, e.g.*, App. 2 (“There is no legitimate basis to treat the two co-defendants differently.”).

As this Court has aptly warned, “unless we wish anarchy to prevail,” lower courts must follow this Court’s precedent “no matter how misguided the judges of those courts think it to be.” *Hutto v. Davis*, 454 U.S. 370, 375 (1982) (per curiam). For this reason, this Court has deemed summary reversal appropriate when lower courts on remand repeat “the same errors this Court previously condemned.” *Moore v. Texas*, 586 U.S. 133, 143 (2019) (Roberts, C.J., concurring).

b. Second, in summarily reversing Mr. Wearry’s conviction, this Court has already analyzed the evidentiary record in detail. Summary reversal in Mr. Skinner’s case would thus require less of this Court’s time than summary reversal in a case where this Court has not previously mined the record.

c. Third, further investigation into Mr. Skinner’s case following the *Wearry* decision uncovered additional *Brady* violations beyond those cited in *Wearry*. For example, the State withheld evidence of alternative suspects, including one who was found soaked in blood the night of the murder and who called the police to ask if he was a suspect; a second who confessed to the murder to both his robbery victim and a fellow prisoner; and a third whose sister said he confessed.

d. Fourth, Mr. Skinner's conviction was plagued by a welter of additional improprieties, each of which has been sufficient to garner this Court's attention in the past. For example, one Louisiana Supreme Court judge who denied review in Mr. Skinner's case also oversaw the undisclosed resentencing deal given to one of the prosecution's star jailhouse informants. The judge was thus personally involved in the very *Brady* violation he was later asked to review. The District Attorney prosecuting Mr. Skinner simultaneously represented the victim's mother in a civil proceeding.

Even with these profound disadvantages facing Mr. Skinner's defense, the jury in Mr. Skinner's first trial hung. The state secured a prosecution in his second trial only by a non-unanimous jury verdict.

6. This application is not filed for purposes of delay. Rather, undersigned counsel at the Stanford Law School Supreme Court Litigation Clinic was recently brought onto the case and needs additional time to familiarize itself with the materials and prepare the petition for certiorari. Both the Clinic and the Innocence Project of New Orleans have multiple other deadlines over the next few weeks. The extra time requested here will enable counsel to devote its full attention and resources to this matter.

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Respectfully submitted,

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