

No. _____

In the

Supreme Court of the United States

CLARENCE FRY,

Petitioner,

v.

TIMOTHY SHOOP, WARDEN,

Respondent.

This is a Capital Case.

**Application for an Extension of Time to File Petition for a Writ of
Certiorari to the United States Court of Appeals for the Sixth Circuit**

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**COUNSEL FOR APPELLANT
CLARENCE FRY**

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

1. For the specific reasons set forth below, Petitioner Clarence Fry respectfully requests, pursuant to Supreme Court Rule 13.5, that the time to file his petition for a writ of certiorari be extended for 60 days, up to and including Monday, July 28, 2025.

2. On January 3, 2025, the Court of Appeals issued its opinion following review of Fry's capital habeas case. Exhibit A. The Court of Appeals denied a timely motion for rehearing en banc on February 28, 2025. Exhibit B. Absent an extension of time, Fry's petition for writ of certiorari would be due on May 29, 2025. *See* U.S.S.Ct.R. 13.1. This request is unopposed.

3. This Court has jurisdiction to review the order and judgment of the Sixth Circuit under 28 U.S.C. § 1254(1).

4. Lead counsel, Sharon Hicks, is an attorney in the Capital Habeas Unit of the Federal Public Defender's Office for the Northern District of Ohio. In this capacity, she represents multiple capital litigants in on-going matters both before and out of the Northern District of Ohio. Ms. Hicks has upcoming out-of-state travel related to ongoing litigation in *McKnight v. Bobby*, 2:09 cv 59. She also has out-of-state travel and litigation in *Van Winkle v. Ryan*, CV-18-3290-PHX, in the District Court of Arizona. Ms. Hicks is also presently engaged in active litigation and discovery in *State*

v. Mammone. Additionally, Ms. Hicks will be travelling out of the country from May 9 through May 22.

5. Co-counsel, Kimberly Rigby, is Managing Counsel of the Death Penalty Department at the Office of the Ohio Public Defender. In addition to the capital case load she carries in both the State and Federal courts, Ms. Rigby also manages a department of approximately seventeen individuals engaged in the representation of capital defendants at all stages of post-conviction and appellate litigation. As counsel of record in her own capital caseload, Ms. Rigby has multiple pleadings due throughout both May and June. Additionally, Ms. Rigby has a personal vacation planned in late June. Ms. Rigby is also presently training three brand new supervisors and actively hiring new staff.

6. This is a capital case involving complex constitutional questions regarding some of Fry's most fundamental constitutional rights.

7. This request is not being made for the purpose of delay, but to allow counsel the necessary time to devote to the significant issues presented in Fry's capital case.

8. Counsel for the State, Trane Robinson, has indicated the State does not oppose this extension.

Therefore, Petitioner Clarence Fry respectfully requests that an order be entered extending his time to file a petition for a writ of certiorari for sixty days, from May 29, 2025, until July 28, 2025.

Respectfully Submitted,

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**COUNSEL FOR APPELLANT
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CERTIFICATE OF SERVICE

I certify that on May 9, 2025, the **APPLICATION FOR EXTENSION OF TIME TO FILE PETITION FOR WRIT OF CERTIORARI TO THE UNITED STATES COURT OF APPEALS FOR THE SIXTH CIRCUIT** was sent via FedEx for overnight delivery to the Clerk of the Supreme Court for filing. A true and correct copy of the Application was mailed with first class postage and emailed electronically to counsel for the State of Ohio:

Trane Robinson
Ohio Attorney General's Office
30 East Broad Street
Columbus, OH 43215

/s/ Sharon A. Hicks
SHARON A. HICKS
Assistant Federal Public Defender
Counsel for Petitioner James Mammone