

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

**IN THE SUPREME COURT OF THE UNITED STATES  
OCTOBER TERM, 2024**

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**NICHOLAS SMITH,**

**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 Nicholas Smith respectfully requests a 30-day extension of time within which to file a petition for a writ of certiorari up to and including Monday,

June 23, 2025:

1. The jurisdiction of this Court is invoked pursuant to 28 U.S.C. § 1257(a).

2. After Mr. Smith timely appealed his convictions and sentence, the Alabama Court of Criminal Appeals affirmed his convictions on March 17, 2017, *see Smith v. State*, No. CR–13–0055246, 246 So. 3d 1086 (Ala. Crim. App. 2017) (Exhibit 1), but reversed his death sentence and remanded for a new penalty proceeding. *See id.* Mr. Smith was again sentenced to death, and after Mr. Smith timely appealed from that second penalty proceeding, the Alabama Court of Criminal Appeals affirmed his sentence on June 28, 2024. *See Smith v. State*, No. CR-2022-0504, 2024 WL 3212264 (Ala. Crim. App. June 28, 2024) (Exhibit 2). On November 1, 2024, the Alabama Court of Criminal Appeals denied Mr. Smith’s application for rehearing (Exhibit 3). Mr. Smith filed a petition for writ of certiorari to the Alabama Supreme Court, which the Alabama Supreme Court denied on February 21, 2025. (Exhibit 4).

3. Pursuant to Rules 13.1, 13.3, and 30.1 of the Rules of this Court, a petition for writ of certiorari is due to be filed on or before May

22, 2025.

4. This is a capital case in which the death penalty has been imposed. Mr. Smith 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. Smith's appeals.

6. Undersigned counsel is currently 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. Smith respectfully requests an

additional thirty (30) days in which to file his petition for a writ of certiorari, thereby changing to June 23, 2025, the date on or by which it must be filed.<sup>1</sup>

Respectfully submitted,

s/Angela L. Setzer  
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May 12, 2025

*Counsel for Nicholas Smith*

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<sup>1</sup>Thirty days following May 22, 2025 is Saturday, June 21, 2025. Pursuant to Rule 30.1, the petition would be due Monday, June 23, 2025.