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**Before the Supreme Court of the United States**  
**Case No.**

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On Appeal from the Ohio Supreme Court  
Case No. 2025-0201

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**Charles Payne,**

Petitioner,

**-vs-**

**State of Ohio,**

Respondent.

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**On Application for an Extension of Time to File Petition for a Writ of  
Certiorari  
to the  
Supreme Court of Ohio**

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**Rhys B. Cartwright-Jones, 0078597**

42 N. Phelps St.

Youngstown, OH 44503-1130

330-757-6609, tel.

216-272-1938, cell

866-223-3897, fax

[rhys@cartwright-jones.com](mailto:rhys@cartwright-jones.com)

Counsel for Petitioner

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**To the Honorable Brett M. Kavanaugh, as Circuit Justice for the United States Court of Appeals for the Sixth Circuit:**

Pursuant to Supreme Court Rules 13.5, 22, 30.2, and 30.3, Petitioner **Charles Payne** respectfully moves for a 60-day extension of time to file a petition for a writ of certiorari in this case, up to and including **August 29, 2025**. The Supreme Court of Ohio entered its final order declining jurisdiction on **April 1, 2025**. A timely petition would otherwise be due on **June 30, 2025**. The jurisdiction of this Court is invoked under 28 U.S.C. § 1257(a).

**Background**

This case presents a serious and recurring constitutional question: **Does a trial court violate a defendant’s rights under the Sixth and Fourteenth Amendments when it permits prosecutorial and police vouching for a witness’s credibility, despite objections and without issuing a curative instruction?** At trial, the State presented a law enforcement officer who testified—over objection—that a key witness was “absolutely truthful” and that “an assault definitely occurred,” both statements constituting improper bolstering under this Court’s precedent.

The Ohio courts declined to reverse, applying standards that conflict with clearly established law and with decisions of other Ohio appellate districts and federal circuits, particularly where defense counsel preserved error. In

particular, the appellate court failed to apply the proper harmless error standard for preserved constitutional violations. The State's argument that cross-examination cured the error is inconsistent with decisions requiring more rigorous review of prosecutorial bolstering and judicial error.

The certiorari petition will argue that the ruling below deepens an existing conflict in the lower courts over the treatment of vouching testimony and prosecutorial misconduct, and invites further erosion of the due process guarantees meant to safeguard jury impartiality and fair trial rights.

### **Reasons for the Extension**

Petitioner recently retained undersigned counsel to prepare the petition for certiorari. And this matter presents a complex and serious constitutional question. In addition, counsel has substantial existing professional obligations during the relevant period, including the likely trial of the matter of the *State of Ohio v. Lavocni Brown*, a multi-defendant dozen-count narcotics case, preparation for which will subsume much of the briefing period.

This extension will allow undersigned counsel to finalize the petition without compromising the quality of presentation, or counsel's obligations in other constitutional litigation. Petitioner respectfully submits that good cause exists under the Rules of this Court for the requested extension.

## Conclusion

Petitioner **Charles Payne** respectfully requests that the time to file a petition for a writ of certiorari in this matter be extended by **60 days**, to and including **August 29, 2025**.

Attached, hereto, are the Court of Appeals' entry [Exh. 1], the entry denying reconsideration, [Exh. 2], and the Ohio Supreme Court's denial of jurisdiction, [Exh. 3].

Respectfully Submitted,

**Rhys B. Cartwright-Jones, 0078597**

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[rhys@cartwright-jones.com](mailto:rhys@cartwright-jones.com)

**Counsel for the Petitioner**