

No. _____ (CAPITAL CASE)

IN THE SUPREME COURT OF THE UNITED STATES

October Term 2024

STATE OF OHIO,

Respondent,

v.

CARL LINDSEY,

Petitioner.

UNOPPOSED APPLICATION TO EXTEND THE TIME TO FILE
A PETITION FOR WRIT OF CERTIORARI
TO THE OHIO TWELFTH DISTRICT COURT OF APPEALS

Carol A. Wright (OH 0029782)

Member of the Bar of This Court
6306 W. 32nd Ave
Wheat Ridge, CO 80033
(614) 506-0283 (phone)
cwright1173@icloud.com

Counsel for Petitioner Carl Lindsey

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

1. For the specific reasons set forth below, Petitioner Carl Lindsey respectfully requests, under Supreme Court Rules 13.5, 22, and 30.3, a sixty-day extension of time to file his petition for a writ of certiorari regarding the denial of his successor post-conviction petition by the Ohio state courts.

2. An Ohio jury convicted Mr. Lindsey of aggravated murder and recommended a sentence of death. The trial court adopted that recommendation, and the state courts affirmed Mr. Lindsey's conviction and death sentence on direct appeal. The Ohio courts also denied Mr. Lindsey's initial request for post-conviction relief.

3. Mr. Lindsey filed an application for a writ of habeas corpus in the U.S. District Court for the Southern District of Ohio (Case No. 1:03-cv-00702), where he was represented by appointed counsel. Eventually, the Office of the Federal Public Defender for the Southern District of Ohio's Capital Habeas Unit was appointed to represent Mr. Lindsey. Ultimately, the federal district court denied Mr. Lindsey's habeas petition and his motion for leave to amend that petition with newly discovered evidence. The district court denied a certificate of appealability on all of Mr. Lindsey's constitutional claims, as did the Sixth Circuit Court of Appeals (Case No. 21-3745). The court then denied Mr. Lindsey's petition for rehearing and rehearing *en banc*, and this Court denied his request for a petition for writ of certiorari (Case No. 23-5109).

4. Because leave to amend his habeas petition was denied, Mr. Lindsey initiated state court post-conviction proceedings while his habeas proceedings were on appeal. He raised several claims based on newly discovered evidence, including claims related to his diagnosis of Fetal Alcohol Spectrum Disorder (FASD).

Ultimately, the trial court denied his successor petition for post-conviction relief, and the state court of appeals affirmed that decision. *State v. Lindsey*, No. CA2024-01-001, 2024-Ohio-5244, 2024 Ohio App. LEXIS 3940 (12th Dist. Nov. 4, 2024). The Supreme Court of Ohio declined to accept discretionary review of the case. *State v. Lindsey*, No. 2024-1749, 2025-Ohio-1090, 2025 Ohio LEXIS 635 (Ohio, Apr. 1, 2025).

5. Mr. Lindsey seeks for this Court to review the decision of the Ohio Twelfth District Court of Appeals. Jurisdiction in this Court is appropriate under 28 U.S.C. § 1254(1). Under this Court's Rules, Mr. Lindsey's deadline to file a petition for writ of certiorari following the state court's denial of his appeal is June 30, 2025.

6. Mr. Lindsey now seeks an extension of that deadline for an additional sixty (60) days. Good cause exists to justify Mr. Lindsey's requested extension. His counsel requires additional time to draft a petition for a writ of certiorari due to counsel's schedule and circumstances impacting her ability to complete the filing by the current deadline. Undersigned counsel of record Attorney Wright recently moved cross-county from Florida to Colorado. Attorney Wright's case files were delayed in the move and just arrived in Colorado on June 12, 2025, and this has impacted her ability to work on the petition in this complex capital case.

Additionally, Attorney Wright has a trip out of the country scheduled from July 25 through August 13, 2025.

7. Petitioner Lindsey's counsel thus respectfully requests an extension of time to adequately prepare his petition for a writ of certiorari.

8. Counsel for the Plaintiff-Appellee the State of Ohio, Mary McMullen, Assistant Prosecuting Attorney, Brown County Prosecutor's Office, has stated that her office does not oppose this 60-day extension.

Therefore, Petitioner Carl Lindsey respectfully requests that an order be entered extending his time to file a petition for a writ of certiorari for sixty days, from June 30, 2025, to August 29, 2025.

Respectfully submitted this 18th day of June, 2025,

/s/ Carol A. Wright

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