

Capital Case

No. _____

IN THE SUPREME COURT OF THE UNITED STATES

MICA ALEXANDER MARTINEZ,
Petitioner,

v.

CHRISTE QUICK, Warden,
Oklahoma State Penitentiary,

Respondent.

ON PETITION FOR A WRIT OF CERTIORARI TO THE
UNITED STATES COURT OF APPEALS FOR THE TENTH CIRCUIT

**PETITIONER'S APPLICATION FOR EXTENSION OF TIME
TO FILE PETITION FOR A WRIT OF CERTIORARI**

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July 3, 2025

* Counsel of Record

**PETITIONER’S APPLICATION FOR EXTENSION OF
TIME TO FILE PETITION FOR A WRIT OF CERTIORARI**

*To the Honorable Neil Gorsuch, Associate Justice of the United States
Supreme Court and Circuit Justice for the Tenth Circuit:*

Pursuant to Rules 13.5, 30.2, and 30.3 of the Rules of the Supreme Court of the United States, and for the reasons set forth herein, Petitioner, Mica Alexander Martinez, respectfully applies to this Court for an order extending the time in which to file his petition for a writ of certiorari from July 14, 2025, until September 12, 2025, a period of 60 days. The jurisdiction of this Court is based on 28 U.S.C. § 1254(1).

BACKGROUND

Mr. Martinez is incarcerated and under a sentence of death. On November 19, 2024, the United States Court of Appeals for the Tenth Circuit issued a published opinion in Case No. 23-6001, wherein the circuit court affirmed the original judgment entered by the United States District Court for the Western District of Oklahoma in Case No. CIV-16-01278-D. *See* Opinion and Judgment, attached hereto as Attachment A. Mr. Martinez sought rehearing, which the Tenth Circuit Court of Appeals granted in limited part to the extent of the modifications in the introduction, part II.A., and the conclusion of the revised opinion filed with the Order on April 14, 2025. *See*

Order and Opinion, attached hereto as Attachment B.

ARGUMENT AND AUTHORITIES

Mr. Martinez seeks a writ of certiorari to the United States Court of Appeals for the Tenth Circuit with respect to its revised decision rendered on April 14, 2025, as referenced above. Under Supreme Court Rule 13.3, Mr. Martinez’s petition for writ of certiorari to the United States Court of Appeals for the Tenth Circuit is currently due on or before July 14, 2025. *See* Supreme Court Rule 13.3 (the time to file the petition for a writ of certiorari ... “runs from the date of the denial of rehearing or, if rehearing is granted, the subsequent entry of judgment”). However, the time granted by Supreme Court Rule 13 will be insufficient to allow Mr. Martinez’s counsel to do justice to the issues at hand. Therefore, Mr. Martinez seeks an extension of 60 days to file his petition for a writ of certiorari. *See* Supreme Court Rule 13.5 (“For good cause, a Justice may extend the time to file a petition for writ of certiorari for a period not exceeding 60 days.”). In accordance with Supreme Court Rule 13.5, this Application is submitted at least 10 days prior to the present due date of July 14, 2025.

The requested extension is made in good faith and not to delay the proceedings. This Court has repeatedly emphasized that its duty to search for constitutional error with painstaking care is never more exacting than it is in a capital case. *Burger v. Kemp*, 483 U.S. 776, 785 (1987). It is respectfully submitted that counsel's duty to present all authorized claims of constitutional error with painstaking care is equal or greater. Thus, it is important that counsel be granted additional time to research the constitutional issues at hand so they may prepare Mr. Martinez's petition with the care and accuracy demanded of such cases.

Additionally, if Mr. Martinez's petition is denied, an extension of 60 days will not impact the timing of his execution date or the State's interest in carrying out executions. Under Oklahoma law, the completion of federal habeas proceedings generally triggers an execution date. Okla. Stat. tit. 22, § 1001.1(2021). But there is currently a backlog of executions in Oklahoma. *See Order, In re: The Setting of Execution Dates*, D-2005-310, D-2006-126, D-2000-886, D-2005-1081, D-2007-660, D-2000-1609, D-2008-319, D-2008-595, D-2005-171, D-2007-1055, D-2009-702, D-2007-825, D-2003-1186, D-2008-43, D-2009-1113, D-2008-57, D-2008-657 (Okla. Crim. App. May 7, 2024). The backlog stems from a moratorium on executions after multiple botched

executions. *Timeline of Events Involving Capital Punishment in Oklahoma*, Associated Press (Oct. 28, 2021). To eliminate the backlog, the Oklahoma Court of Criminal Appeals (OCCA) plans to set someone for execution every 90 days. Order, *In re: The Setting of Execution Dates*, at 5-6. Executions are scheduled based on the date the person exhausted his appeals. *Id.* Those who have been out of court the longest are at the front of the line and vice versa.

Under current conditions in Oklahoma, once someone exhausts his appeals, his execution is still years away. OCCA's last order in May 2024 listed 17 people who had exhausted their appeals. Order, *In re: The Setting of Execution Dates*, at Appendix A. Since then, at least two more people have exhausted their appeals,¹ five people have been executed,² and one person had his conviction reversed.³ Roughly speaking, there are currently 13 people in Oklahoma awaiting execution. At one execution every 90 days, Martinez is unlikely to see an execution date within the next few years, regardless of whether his appeals are exhausted today or a year from today. A 60-day extension here will have no impact on the timing of Mr. Martinez's execution.

¹ *Tryon v. Quick*, No. 23-7085 cert. denied (May 28, 2024); *Frederick v. Quick*, No. 23-6888 cert. denied (June 10, 2024).

² *Execution Database*, Death Penalty Information Center, deathpenaltyinfo.org/facts-and-research/data/executions.

³ *Glossip v. Oklahoma*, 145 S. Ct. 612 (2025).

Lastly, an extension is necessary because of counsel's workload. Mr. Martinez is represented by the Capital Habeas Unit of the Office of the Federal Public Defender for the Western District of Oklahoma. Nationwide, the Offices of the Federal Public Defender have been under a hiring freeze for 19 of the past 24 months. *Federal Defense Lawyers Face Months Without Pay As Funds Dry Up*, Defender Services Office (June 2, 2025), <https://www.fd.org/news/federal-defense-lawyers-face-months-without-pay-funds-dry>. As a result, counsel's office is not properly staffed, and their workload has dramatically increased in the last year. Counsel's assigned cases have lost team members, and counsel have had to help in unassigned cases that lost team members. Counsel's obligations include:

- Taking over as lead and sole counsel in a case with an execution date expected this year. *See Simpson v. Quick*, W.D. Okla. CIV-11-096;
- Helping another team prepare and litigate a *Brady* claim for a client facing execution. *See Hanson v. Oklahoma*, No. 24-7397 cert. denied (June 11, 2025);
- Preparing and exhausting an *Atkins v. Virginia* claim in state court and moving to include the claim in federal habeas proceedings. *See Davison v. Quick*, W.D. Okla. CIV-21-1014;
- Challenging the standard of review for a pending federal habeas petition. *See Bosse v. Quick*, W.D. Okla. CIV-18-204;
- Preparing a Subsequent Application for Post-Conviction Relief in the Oklahoma Court Criminal Appeals. *Goode v. Quick*, N.D. Okla. CIV-11-

150;

- Investigating and preparing a federal habeas petition that is due January 21, 2026. *See Posey v. Quick*, Case W.D. Okla. CIV-25-128;
- Preparing for clemency proceedings in a case with a projected execution date of March 2026. *Johnson v. Quick*, N.D. Okla. CIV-13-16.

As a result, even if counsel exercise due diligence and give priority to preparing the petition, it will not be possible to file the petition on time without compromising other cases. In light of counsel's obligations and the importance of the constitutional issues that will be presented in this capital case, counsel submit that a 60-day extension is necessary and appropriate to efficiently and effectively prepare the petition for certiorari on behalf of Mr. Martinez.

WHEREFORE, in the interest of justice and for good cause shown, counsel submit that a reasonable extension of time should be granted to complete Mr. Martinez's petition. Counsel respectfully request this Court to extend the current July 14, 2025 deadline until September 12, 2025.

Respectfully submitted,

s/ Katrina Conrad-Legler

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