

Capital Case

No. 25A28

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IN THE SUPREME COURT OF THE UNITED STATES

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MICA ALEXANDER MARTINEZ,

*Petitioner,*

v.

CHRISTE QUICK, Warden,  
Oklahoma State Penitentiary,

*Respondent.*

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

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

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August 1, 2025

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**PETITIONER'S SECOND 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 a second order extending the time in which to file his petition for a writ of certiorari from August 12, 2025, until September 12, 2025, a period of 30 days. The jurisdiction of this Court is based on 28 U.S.C. § 1254(1).

Last month, Mr. Martinez sought an extension of 60 days. The Court granted his request but limited the extension to 30 days. The circumstances leading to Mr. Martinez's original request have largely remained the same, so this application is largely identical to the first application. The biggest difference lies in Mr. Martinez's lead counsel, who has changed since the filing of the original 60-day request. Counsel have tried to plan accordingly, but understaffing has made planning and case preparation more cumbersome than expected. Overall, the complexity of Mr. Martinez's case, the change in counsel, and counsel's growing work responsibilities require a filing deadline of September 12, 2025, to appropriately prepare Mr. Martinez's petition for certiorari. Mr. Martinez respectfully requests an extension of 30 days in which to file his petition.

## **BACKGROUND**

Mr. Martinez is incarcerated and under sentence of death in the State of Oklahoma. The United States Court of Appeals for the Tenth Circuit issued a published opinion in Case No. 23-6001 on November 19, 2024, wherein the 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 to initial Application for Extension for Petition for Writ of Certiorari, Attachment A. The Tenth Circuit Court of Appeals granted in limited part Mr. Martinez's petition for rehearing as to the extent of the modifications in the revised opinion issued on April 14, 2025. *See* Order and Opinion, attached to initial Application for Extension for Petition for Writ of Certiorari, 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. 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 was originally 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"). After a 30-day extension, the petition is currently due August 12, 2025. But this time is insufficient to allow Mr. Martinez's counsel to do justice to the issues at hand. Mr. Martinez seeks an additional extension of 30 days to file his petition for a total extension of 60 days as

allowed by Rule 13.5. *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.”). This application is submitted at least 10 days prior to the present due date of August 12, 2025. *Id.*

The requested extension is made in good faith and not to delay the proceedings. If Mr. Martinez’s petition is denied, an additional extension of 30 days will not impact the timing of his execution date or the State’s interest in carrying out his execution. Under Oklahoma law, the completion of federal habeas proceedings generally triggers an execution date. Okla. Stat. tit. 22, § 1001.1. 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) planned to set an 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*.

Since then, at least two more people have exhausted their appeals,<sup>1</sup> five people have been executed,<sup>2</sup> and one person had his conviction reversed.<sup>3</sup> Roughly speaking, there are currently 13 people on Oklahoma's death row 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 30-day extension here will have no impact on the timing of Mr. Martinez's execution, and it does not impact the State's interest in the timely enforcement of its criminal sentences.

Lastly, an extension is necessary due to 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 fully staffed, and their workload has dramatically increased in the last year. Counsel's assigned cases have lost team members, staffing has had to change to account for case priorities and

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

<sup>2</sup> *Execution Database*, Death Penalty Information Center, [deathpenaltyinfo.org/facts-and-research/data/executions](https://deathpenaltyinfo.org/facts-and-research/data/executions).

<sup>3</sup> *Glossip v. Oklahoma*, 145 S. Ct. 612 (2025).

upcoming execution dates, and counsel have had to help in unassigned cases that lost team members.

Counsel's relevant obligations include:

- Taking over as lead counsel in a case with an execution date expected this year. *See Simpson v. Quick*, W.D. Okla. CIV-11-096;
- Conducting a clemency hearing for a client facing execution. *See Hanson v. Oklahoma*, No. 24-7397 cert. denied (June 11, 2025);
- Preparing and litigating a state administrative procedure claim. *See Hanson v. Oklahoma Pardon and Parole Board*, No. IN-123173 (Okla. Crim. App. June 11, 2025);
- Preparing and litigating a federal administrative procedure claim. *See Hanson v. Quick*, No. 25-7044 (10th Cir. 2025);
- Preparing and litigating 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;
- 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. *See 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 issues at hand, counsel submit that an additional 30-day extension is necessary and appropriate to prepare Mr. Martinez's petition for certiorari. Counsel respectfully

request this Court to extend the current August 12, 2025 deadline until September 12, 2025.

Respectfully submitted,

s/ Thomas D. Hird

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