

No. _____

IN THE SUPREME COURT OF THE UNITED STATES

October Term, 2018

MARIO DION WOODWARD,

Petitioner,

V.

STATE OF ALABAMA,

Respondent.

APPLICATION FOR EXTENSION OF TIME TO FILE
PETITION FOR WRIT OF CERTIORARI TO THE
ALABAMA COURT OF CRIMINAL APPEALS

JAMES C. MARTIN
Counsel of Record
Reed Smith LLP
225 Fifth Avenue
Pittsburgh, PA 15222
Tel: 412-288-3131
Fax: 412-288-3063
jcmartin@reedsmith.com

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TO THE HONORABLE CLARENCE THOMAS, Associate Justice of the Supreme Court of the United States, and Circuit Justice for the Eleventh Circuit:

Petitioner Mario Woodward (“Woodward”), by and through undersigned counsel and pursuant to Rule 13 of the Rules of the Supreme Court of the United States, respectfully requests an extension of time of sixty (60) days to file his Petition for Writ of Certiorari in this Court. Woodward seeks review of the decision of the Alabama Court of Criminal Appeals affirming the denial of post-conviction relief in his capital case.

Woodward invokes the jurisdiction of this Court pursuant to 28 U.S.C. § 1257(a). His time to file a Petition for Writ of Certiorari in this Court elapses on February 14, 2019; therefore,

he makes this request more than ten (10) days before the date his petition would be due without an extension of time. In support of this request, Woodward shows the following as good cause:

In 2008, Woodward was convicted of capital murder and sentenced to death in Montgomery County, Alabama. The Alabama Court of Criminal Appeals affirmed his conviction and sentence on December 16, 2011, and issued a modified opinion upon denying Woodward's application for rehearing on August 12, 2012. *Woodward v. State*, 123 So. 3d 989 (Ala. Crim. App. 2011). The Supreme Court of Alabama denied certiorari on April 19, 2013, as did this Court. *Woodward v. Alabama*, 571 U.S. 1045 (2013); *see also id.* (Sotomayor, J., dissenting from denial of cert. and Breyer, J., joining in part).

Woodward subsequently filed for post-conviction relief in the Circuit Court of Montgomery County pursuant to Rule 32 of the Alabama Rules of Criminal Procedure, on April 15, 2014. The circuit court entered an order summarily dismissing all of Woodward's claims but one—Woodward's claim alleging ineffective assistance of counsel under *Strickland v. Washington*, 466 U.S. 668 (1984), on the basis that his trial counsel improperly failed to object to the State's use of peremptory strikes to remove African-American venire members from the jury pool on the basis of their race, in violation of *Batson v. Kentucky*, 476 U.S. 79 (1986)—on October 9, 2015. An evidentiary hearing on Woodward's *Batson*-related claim was held on February 18, 2016; the circuit court then entered a final order dismissing that claim on February 23, 2016, thus denying all Woodward's remaining claims for post-conviction relief. On appeal, the Alabama Court of Appeals affirmed the denial of relief, *see Appendix A (Woodward v. State*, No. CR-15-0748, ___ So. 3d ___, 2018 WL 1981390 (Ala. Crim. App. Apr. 27, 2018)), and denied rehearing, *see Appendix B*. The Supreme Court of Alabama denied certiorari on November 16, 2018. *See Appendix C*.

A petition for certiorari in this case is essential because Woodward is under a judicially-imposed sentence of death, and his post-conviction case implicates substantial and complex issues of federal constitutional law. The undersigned counsel respectfully requests this extension on Woodward's behalf because of the importance of these questions, as well as counsel's parallel obligations in other cases. An extension of sixty (60) days would afford sufficient time for counsel to properly develop the relevant issues and present them to this Court for review.

THEREFORE, Woodward respectfully requests that this Court grant him a sixty (60) day extension of time within which to file his petition for a writ of certiorari, up to and including April 15, 2019.

Respectfully submitted, this 18th day of January, 2019.

/s/James C. Martin
JAMES C. MARTIN
Counsel of Record
Reed Smith LLP
225 Fifth Avenue
Pittsburgh, PA 15222
Tel: 412-288-3131
Fax: 412-288-3063
jcmartin@reedsmith.com