

Office of the  
**FEDERAL PUBLIC DEFENDER**  
for the District of Arizona  
**Capital Habeas Unit**

**Jon M. Sands**  
Federal Public Defender

**direct line:** 602-390-3125  
**email:** lindsey\_layer@fd.org

September 17, 2019

**[CAPITAL CASE]**

The Honorable Scott S. Harris  
Clerk of the Court  
Supreme Court of the United States  
1 First Street, NE  
Washington, DC 20543

***RE: Larry Benzon, Warden, Utah State Prison, v. Troy Michael Kell, No. 19-239***

Dear Mr. Harris:

The petition for writ of certiorari in the above-captioned case was filed on August 21, 2019, and placed on the docket on August 23, 2019. The response is currently due on September 23, 2019.

Under this Court's Rules 15.3 and 30.4, Respondent Troy Kell respectfully requests a 30-day extension of time to and including October 23, 2019, within which to file his response. Counsel for Petitioner have indicated that they do not oppose this request.

Mr. Kell's counsel received notice on Friday, September 13, 2019, that a multi-state amicus brief will be filed on September 23, 2019, in support of Petitioner's claims. Mr. Kell would like the opportunity to review the amicus brief and to address any additional arguments in his response, if necessary.

Furthermore, Mr. Kell's counsel have obligations before various courts that would make it difficult to complete the response by the current deadline. The undersigned is appointed counsel in five capital habeas cases. Since the Petition in this case was filed, undersigned counsel filed a reply brief in the Utah Supreme Court related to this same case on August 28, 2019, and currently has briefing due in the United States District Court for the District of South Carolina on September 24, 2019, and an opening brief due in the California Supreme Court on October 11, 2019.

The Honorable Scott S. Harris  
September 16, 2019  
Page 2

Co-counsel for Mr. Kell, Assistant Federal Public Defender Alexandra LeClair, is currently appointed to seven capital habeas cases and one non-capital habeas case. Since the Petition in this case was filed, co-counsel filed a reply brief in the Utah Supreme Court related to this case and a responsive closing brief related to an evidentiary hearing in the United States District Court for the District of Arizona. Ms. LeClair currently has an opening brief due in the Ninth Circuit Court of Appeals on October 1, 2019, merits briefing due in the United States District Court for the District of Northern California on October 8, 2019, and an opening brief due in the California Supreme Court on October 11, 2019.

Sincerely,

Lindsey Layer  
Assistant Federal Public Defender  
Capital Habeas Unit

cc: Tyler Green  
Utah Solicitor General  
350 N. State Street, Suite 230  
Salt Lake City, UT 84114-2320  
tylergreen@agutah.gov