



OFFICE OF ATTORNEY GENERAL
STATE OF OKLAHOMA

July 29, 2020

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

RE: *Mitchell v. Sharp*, Case No. 19-8927

Dear Mr. Harris:

Pursuant to Rule 30.4 of the Rules of the Supreme Court, undersigned counsel hereby requests an extension of time in which to respond to the petition for writ of certiorari filed in the above-captioned case. The extension is justified for the following reasons.

The petition was filed on July 1, 2020. The brief in opposition is due on August 7, 2020. Counsel for the State will not be able to complete the brief by the filing deadline for the following reasons. Due to a staff shortage, the undersigned—who typically handles only capital cases—has completed two non-capital cases this month. Counsel has also been involved in preparations for two federal evidentiary hearings in capital cases. In addition, the undersigned is the chief of the capital division and, as such, is responsible for—among other things—reviewing all pleadings prepared by two other attorneys. Further, a commutation application filed by a death row inmate (the first such application ever filed in this state) has consumed much of the undersigned's time.

In spite of everything else, counsel fully anticipated filing the brief in opposition in this case by August 7th. However, the undersigned's workload has increased tremendously since this Court's decision on July 9, 2020, in *McGirt v. Oklahoma*, 140 S. Ct. 2452 (2020), holding that, for purposes of the Major Crimes Act, the Creek Nation's Reservation has not been disestablished. Since the decision,

the undersigned's time has been devoted almost exclusively to helping to determine the decision's impact and the appropriate next steps in dozens of criminal cases that are currently abated in Oklahoma state and federal courts due to jurisdictional challenges based on *McGirt*. The State has been ordered by the Oklahoma Court of Criminal Appeals to file responses in two cases (one capital) based on *McGirt*. The undersigned and co-counsel have almost completed one of those responses, and the undersigned will now prepare the other.

For all of the foregoing reasons, the State respectfully requests an additional thirty days, or until September 6, 2020, in which to file its brief in opposition.

**MIKE HUNTER
ATTORNEY GENERAL OF OKLAHOMA**

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