

CAPITAL CASE

No. 20-507

**IN THE
SUPREME COURT OF THE UNITED STATES**

TONY MAYS, WARDEN,

Petitioner-Applicant

vs.

ANTHONY DARRELL DUGARD HINES,

Respondent

**MOTION FOR EXTENSION OF TIME
TO FILE BRIEF IN OPPOSITION TO PETITION FOR WRIT OF CERTIORARI**

*To The Honorable Sonia Sotomayor, Associate Justice, and Circuit Justice
For The United States Court Of Appeals For The Sixth Circuit:* In this capital case, Respondent, Anthony Darrell Dugard Hines respectfully applies for a sixty (60) day extension of time within which to file a brief in opposition to Petitioner's petition for writ of certiorari. In support of this motion Respondent states:

1. This is a capital habeas corpus proceeding. On May 14, 2020, a panel of the Sixth Circuit issued an opinion granting relief to Respondent, Anthony Hines. *Hines v. Mays*, 814 Fed.Appx. 898 (6th Cir. 2020). The time for Petitioner to file a petition for writ of certiorari was extended by the May 19, 2020, general order of this Court until October 13, 2020. Petitioner timely filed their petition on that day

and the case was docketed in this Honorable Court on October 16, 2020.

2. Mr. Hines presently has until November 16, 2020, to file a brief in opposition to Petitioner's petition for writ of certiorari. See U.S.S.Ct.R. 15.3.

3. Under Rule 15.3, this Court may extend the time for filing a brief in opposition. For the good cause outlined below, your Honor should do so under the circumstances.

4. While counsel has been able to begin the process of researching and preparing a brief in opposition to the petition for writ of certiorari, counsel will require additional time to do so, given that he was only assigned to Respondent's case upon the filing of the petition for writ of certiorari.

5. This recent assignment was necessitated by Respondent's previous counsel's involvement in a clemency campaign and warrant litigation on behalf of her client, Lisa Montgomery, whose execution date is currently set in Terre Haute, Indiana on December 8, 2020. Ms. Montgomery is a federal inmate whose execution date was only recently announced on October 16, 2020, the same day as the docketing of the petition in this case.

6. While current counsel has been diligently working these past few weeks to get up to speed, the issue presented in the petition for writ of certiorari involves Mr. Hines' trial counsel's ineffective assistance whereby counsel failed to investigate and knowingly limited his cross-examination of a witness and potential alternative suspect at Mr. Hines trial some thirty-four years ago. Furthermore,

counsel's failures in this regard were provoked by the State's suggestion that the witness/potential suspect should not be investigated or questioned in order to save him from embarrassment. As such, the issue is particularly fact-intensive and involves meticulous review of the voluminous trial and post-conviction transcripts as well as the weighty petitions, responses, memorandums, and court opinions in both state and federal court over the last three decades.

7. Counsel for the Petitioner has no objection to Respondent's request for a sixty (60) day extension of time.

8. In this capital case, Your Honor should therefore grant Respondent, Anthony Hines, a sixty (60) day extension of time within which to file a brief in opposition to the petition for writ of certiorari.

CONCLUSION

The motion for extension of time should be granted.

Respectfully Submitted,

/s/ James O. Martin, III
James O. Martin, III
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CERTIFICATE OF SERVICE

I certify that a copy of this motion was served upon counsel for Petitioner, John Bledsoe, 425 Fifth Avenue North, Nashville, Tennessee 37243 this the 6th day of November, 2020.

/s/ James O. Martin, III
James O. Martin, III