

No. 20-975
A CAPITAL CASE

IN THE
SUPREME COURT OF THE UNITED STATES

FREDDIE OWENS,

Petitioner,

v.

BRYAN P. STIRLING, COMMISSIONER,
SOUTH CAROLINA DEPARTMENT OF CORRECTIONS;
LYDELL CHESTNUT, DEPUTY WARDEN,
BROAD RIVER CORRECTIONAL INSTITUTION SECURE FACILITY,¹

Respondents.

**UNOPPOSED MOTION TO EXTEND DATE OF DISTRIBUTION
OF PETITION FOR WRIT OF CERTIORARI
AND FOR EXTENSION OF TIME
TO FILE A REPLY TO RESPONDENT'S BRIEF IN OPPOSITION**

Comes now Petitioner, Freddie Owens, pursuant to the Court's March 19, 2020, Order, regarding filing deadlines in light of ongoing public health concerns relating to COVID-19, to respectfully move the Court to extend the date for distribution of the petition in this case and the corresponding time for filing a Reply to Respondent's Brief in Opposition by 21 days due to his pro bono counsel of record contracting COVID-19. Respondents do not oppose this motion. In support of this motion, Mr. Owens states the following:

Mr. Owens timely filed a petition for writ of certiorari on January 15, 2021. The Court docketed the case on January 22, 2021, and Respondents filed a Brief in

¹ Since the initial filing in this case in the Court of Appeals, Mr. Owens has been moved to the Broad River Correctional Institution in Columbia, South Carolina (BRCI). According to the Director's Brief in Opposition, Mr. Owens currently is in the custody of Deputy Warden Lydell Chestnut at Broad River Correctional Institution Secure Facility, so those changes are made here.

Opposition on February 22, 2021. Under the normal operation of the Court's rules, the Clerk would distribute the petition, brief in opposition, and any reply to the Court for its consideration no less than 14 days after February 22—or no sooner than March 8, 2021. Rule 15.5. Mr. Owens asks the Court to extend the date of distribution of his petition, and the time in which he may represent a reply to the Court, by 21 days to March 29, 2021.

Mr. Owens requests this extension due, in part, to general difficulties imposed when collaborating and producing pleadings under quarantine restrictions. More specifically, however, the request is made because Pro bono Counsel of Record Michael F. Williams just learned that he has tested positive for COVID-19 and has been required to suspend work on this case for at least the next few weeks. At this point, it is difficult to gauge the impact of Mr. Williams's illness beyond its immediate disruption, but it is our hope that the period of time requested will give Mr. Williams time to fully recover from the virus and meaningfully return to his normal practice and docket, including pro bono commitments.

Undersigned co-counsel has consulted with counsel for Respondents and can represent that they do not intend to oppose this motion.

CONCLUSION

For the reasons stated above, and pursuant to the Court's March 19, 2020, Order, the Court should grant Mr. Owens's unopposed motion, and extend the date for distribution of the petition for writ of certiorari pursuant to Rule 15.5, and for filing a reply pursuant to Rule 15.6, in this matter to March 29, 2021.

Respectfully submitted,



ROBERT LEE
ELIZABETH J. PEIFFER
VIRGINIA CAPITAL REPRESENTATION
RESOURCE CENTER
2421 Ivy Rd., Suite 301
Charlottesville, VA 22903
(434) 817-2970
roblee@vcrrc.org
epeiffer@vcrrc.org

MICHAEL F. WILLIAMS
Counsel of Record
KIRKLAND & ELLIS LLP
1301 Pennsylvania Ave. NW
Washington, DC 20004
(202) 389-5000
mwilliams@kirkland.com

CERTIFICATE OF SERVICE

Undersigned counsel hereby certify that on February 23, 2021, counsel cause the above Motion to be filed through the electronic filing system provided by the Court, and served counsel for Respondents via this system.



ROBERT LEE