



## GEORGIA DEPARTMENT OF LAW

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CHRISTOPHER M. CARR  
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September 23, 2021

Honorable Scott Harris  
Clerk of the Court  
Supreme Court of the United States  
1 First Street, N.E.  
Washington, D.C. 20543

RE: *Michael Wade Nance v. Timothy C. Ward, Commissioner*, No. 21-439 \_

Dear Mr. Harris:

Respondent Warden's counsel respectfully requests a 30-day extension of time for filing his brief in opposition to the petition for writ of certiorari. Respondent's brief is currently due on October 22, 2021, and this request, if granted, would extend Respondent's deadline to November 22, 2021.

Undersigned counsel is currently operating under numerous competing deadlines in various other post-conviction capital cases. Most notably, undersigned counsel has been working on an appellee's brief in the Eleventh Circuit Court of Appeals in *Jones v. Warden*, Case No. 20-12587, which is due on October 13, 2021. Additionally, undersigned counsel has to file responsive pleadings in the United States District Court of Northern Georgia in *Tate v. Warden*, Case No. 4:12-CV-19 on October 18, 2021. Undersigned counsel also has to respond to a 422-page state habeas corpus merits brief in the Superior Court of Butts County, Georgia in *Rice v. Warden*, Case No. 14-HC-10 by November 8, 2021. Undersigned counsel is also operating other deadlines in non-capital post-conviction cases over the next 4-7 weeks. Finally, undersigned counsel will be away from the office from September 27-29, 2021, on vacation.

The additional time requested is necessary for Respondent's counsel to prepare and finalize Respondent's brief and to respond appropriately to the issues raised in this capital case. I have spoken to Mr. Nance's counsel, Matthew Hellman, and he does not oppose this request.

Sincerely,

*s/Clint C. Malcolm*

Clint C. Malcolm  
Assistant Attorney General

cc: Matthew Hellman