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February 16, 2022

*Via Electronic Filing*

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

Re: *Crow v. Fontenot*, S. Ct. No. 21-970

Dear Mr. Harris:

I am Counsel of Record for Respondent in the above-referenced matter. The petition for a writ of certiorari in this case was filed on January 3, 2022. Following this Court's request for a response on February 2, 2022, a brief in opposition is currently due on March 3, 2022.

Under Rule 30.4, Respondent requests a sixty-day extension, until May 2, 2022, to file his brief in opposition. Mr. Fontenot's long-time counsel, Tiffany Murphy, was appointed Associate Dean for Academic Affairs at the University of Arkansas School of Law last year. That appointment and her teaching obligations as Director of the Criminal Practice Clinic preclude her from devoting the necessary time to the brief in opposition. Due to Professor Murphy's other obligations, the Tenth Circuit today added undersigned as counsel for Mr. Fontenot pursuant to the Criminal Justice Act.

This was initially a capital case and the litigation has spanned three-and-a-half decades. Undersigned counsel was not counsel in this matter in the courts below and requires substantial time to familiarize himself with the lengthy facts and relevant law. The press of other matters also makes timely submission of a brief in opposition difficult absent an extension. In the near term, undersigned counsel is currently responsible for a petition for writ of certiorari in a capital case, *Taylor v. Powell*, case no. 21A277, due March 7, 2022; a petition for rehearing en banc in *Stevens v. Davis*, Ninth Circuit case no. 19-99004, due February 28, 2022; and a capital petition for writ of habeas corpus in *Contreras v. Broomfield*, CAED case no. 1:19-cv-01523-AWI-SAB, due June 9, 2022.

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Undersigned counsel spoke today with Assistant Attorney General Caroline E.J. Hunt, counsel for Petitioner Scott Crow. Ms. Hunt does not object to this application for a sixty-day extension of time to file the brief in opposition.

Sincerely yours,

/s/ Brian M. Pomerantz  
BRIAN M. POMERANTZ  
Attorney for Respondent

cc: Caroline E.J. Hunt (Counsel of Record for Petitioner) via email