

No. _____

IN THE SUPREME COURT OF THE UNITED STATES

October Term 2022

KRISTOFER D. GARRETT,

Petitioner,

v.

STATE OF OHIO,

Respondent.

APPLICATION TO EXTEND THE TIME TO FILE A
PETITION FOR WRIT OF CERTIORARI
TO THE SUPREME COURT OF OHIO

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To the Honorable Brett Kavanaugh, Circuit Justice for the United States Court of Appeals for the Sixth Circuit:

1. For the specific reasons set forth below, Petitioner Kristofer Garrett respectfully requests, under Supreme Court Rules 13.5, 22, and 30.3, a sixty-day extension of time to file his petition for a writ of certiorari seeking review of *State of Ohio v. Kristofer Garrett*, 2022-Ohio-4218.

2. An Ohio jury convicted Kristofer Garrett of aggravated murder and recommended a death sentence as punishment. The trial court accepted that recommendation and the state court affirmed Mr. Garrett's conviction and death sentence on direct appeal. A copy of the opinion is attached.

3. On December 23, 2022, the court denied Mr. Garrett's Motion for Reconsideration. A copy of the order is attached.

4. Mr. Garrett seeks for this Court to review the Ohio Supreme Court's opinion of November 30, 2022. Jurisdiction in this Court is appropriate under 28 U.S.C. § 1257(a).

5. Good cause exists to justify Mr. Garrett's requested extension. Lead counsel represents other capital petitioners in various stages of state and federal litigation and requires additional time to draft a petition for a writ of certiorari. Lead counsel has briefing due in an *Atkins* case on March 31, 2023, and an appellate brief due in Ohio's Eighth District Court of Appeals on March 27, 2023. Co-counsel has a full caseload of capital and non-capital cases, at both the appellate and trial level.

Petitioner Garrett's counsel thus require an extension of time to adequately prepare his petition for a writ of certiorari.

Therefore, Petitioner Kristofer Garrett respectfully requests that an order be entered extending his time to file a petition for a writ of certiorari for sixty days, from March 23, 2023, until May 23, 2023.

Respectfully Submitted,

Office of the Ohio Public Defender, by:

/s/ Melissa Jackson

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