

No. _____

IN THE SUPREME COURT OF THE UNITED STATES OF AMERICA

Samuel Fields,

Petitioner,

vs.

Scott Jordan,

Respondent.

(CAPITAL CASE)

APPLICATION FOR EXTENSION OF TIME
TO FILE PETITION FOR A WRIT OF CERTIORARI
TO THE UNITED STATES COURT OF APPEALS
FOR THE SIXTH CIRCUIT

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

In this capital case and under United States Supreme Court Rule 13.5, Petitioner Samuel Fields respectfully applies for a 30-day extension of time, to and including March 4, 2024,¹ to file his petition for a writ of certiorari in this Court. In support of this application, Mr. Fields states:

¹ Mr. Fields’s current filing deadline is February 1, 2024. Thirty days from February 1, 2024, is Saturday, March 2, 2024. March 4, 2024, is the “the next day that is not a Saturday, Sunday, [or] federal legal holiday[.]” Rule 30.1.

1. Mr. Fields is a Kentucky death-sentenced prisoner currently housed at the Kentucky State Penitentiary in Eddyville, Kentucky.

2. While deliberating in Mr. Fields's case, to test the Commonwealth's theory of guilt, Mr. Fields's jury considered extrinsic evidence that Mr. Fields had no opportunity to confront or refute. Mr. Fields asserted that this constitutional violation warranted habeas relief. The district court denied relief, but a panel of the United States Court of Appeals for the Sixth Circuit reversed the district court and granted habeas relief. *Fields v. Jordan*, 54 F.4th 871 (6th Cir. 2022) (attached as Exhibit 1). One judge dissented. *Id.* at 883-84 (Batchelder, J., dissenting).

3. Respondent sought rehearing en banc, and the Sixth Circuit granted Respondent's petition. On November 3, 2023, the en banc court issued a decision affirming the district court's denial of habeas relief. *Fields v. Jordan*, 86 F.4th 218 (6th Cir. 2023) (attached as Exhibit 2). Five judges dissented. *Id.* at 250-59 (Moore, J., dissenting, joined by Clay, Stranch, Davis, and Mathis, JJ.).

4. Mr. Fields seeks review in this Court of the Sixth Circuit's en banc decision.

5. Mr. Fields's time for petitioning this Court for a writ of certiorari currently expires on February 1, 2024.

6. Mr. Fields is indigent, and the United States Court of Appeals has appointed undersigned counsel to represent Mr. Fields on appeal from the district court and in certiorari proceedings in this Court.

7. Counsel for Mr. Fields have a duty to present a reasoned

petition for a writ of certiorari to this Court. Due to counsel's pre-existing professional obligations in other cases, counsel requests an extension of the deadline in this case. These other obligations include the following: Mr. Kirsch has a February 5, 2024 deadline for petition for a writ of certiorari in the Missouri capital case of Christopher Collings. In addition, for a few weeks during the end of December 2024 and beginning of January 2024, Mr. Kirsch was on leave and was ill with COVID. Ms. Law has been investigating and preparing a clemency case in the Missouri capital case of David Hosier—a case in which the State's motion to set an execution date is pending. Ms. Law also was out of the office on pre-planned leave around the December and January holidays.

8. Mr. Fields has not previously petitioned this Court for an extension of time in which to file a petition for a writ of certiorari.

9. This application is made in good faith and not for purposes of delay.

Wherefore, Mr. Fields respectfully requests this Court to issue an order establishing the due date for his petition for a writ of certiorari as **Monday, March 4, 2024.**

Respectfully submitted,



Daniel E. Kirsch*
Assistant Federal Defender
Michelle Law
Assistant Federal Defender

Capital Habeas Unit
Federal Public Defender
Western District of Missouri
1000 Walnut St., Ste. 600
Kansas City, MO 64106
816-675-0923
daniel_kirsch@fd.org
michelle_law@fd.org

Counsel for Samuel Fields

**Counsel of Record*, Member
of the Bar of the Supreme
Court