

No. \_\_\_\_\_

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IN THE  
**Supreme Court of the United States**

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BRITTANY MARTIN,

*Applicant,*

— v. —

STATE OF SOUTH CAROLINA,

*Respondent.*

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ON PETITION FOR A WRIT OF CERTIORARI TO THE UNITED STATES  
FROM THE SOUTH CAROLINA COURT OF APPEALS

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**UNOPPOSED APPLICATION FOR AN EXTENSION OF TIME  
TO FILE A PETITION FOR A WRIT OF CERTIORARI**

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To the Honorable John G. Roberts, Jr., Chief Justice of the Supreme Court of the United States and Circuit Justice for the Fourth Circuit:

Pursuant to Supreme Court Rules 13.5, 22, and 30.3, Applicant-Petitioner Brittany Martin respectfully requests an extension of 60 days to and including July 14, 2025,<sup>1</sup> of the time to file a petition for a writ of certiorari in this matter. In support of this request, counsel state as follows:

1. The South Carolina Court of Appeals issued its opinion on July 24, 2024. The decision is available at *State v. Martin*, Case No. 2022-001444, Op. No. 2024-UP-274, 2024 WL 3519192 (Ct. App. July 24, 2024).

2. The Supreme Court of South Carolina denied discretionary review on February 12, 2025, making the current deadline to submit a petition for certiorari May 15, 2025, by operation of Sup. Ct. R. 13.1 and 30.1.

3. This application is timely submitted more than ten days prior to the current filing deadline. *See* Sup. Ct. R. 13.5.

4. In June 2020, Brittany Martin participated in nonviolent and non-destructive protest following George Floyd's murder. Based on her participation, Martin was convicted of Breach of the Peace of a High and Aggravated Nature and sentenced to four years' imprisonment.

5. On appeal, because Martin's "case[] raise[d] First Amendment issues," counsel argued that the appellate court should "make an independent examination of the whole record in order to make sure that the judgment does not constitute a

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<sup>1</sup> Sixty days after May 13, 2025, falls on Saturday, July 12, 2025. By operation of Sup. Ct. R. 30.1, Petitioner's deadline would be Monday, July 14, 2025.

forbidden intrusion on the field of free expression.” *Bose Corp. v. Consumers Union of U.S., Inc.*, 466 U.S. 485, 499 (1984).

6. The Court of Appeals refused, holding that trial counsel’s failure to preserve the issue in accordance with state law precluded independent review under federal law. *Martin*, 2024 WL 3519192, at \*1. The Supreme Court of South Carolina denied discretionary review.

7. This case presents an issue of exceptional importance. The independent review doctrine is a critical backstop to ensure protection of First Amendment rights. South Carolina’s refusal to conduct independent review on state law grounds contravenes well-established, decades-old Supreme Court precedent regarding the independent review doctrine. *See Pennekamp v. Florida*, 328 U.S. 331, 346–47 (1946); *Edwards v. South Carolina*, 372 U.S. at 235 (1963); *N.Y. Times v. Sullivan*, 376 U.S. 254, 284–86 (1964); *Greenbelt Co-op. Pub. Ass’n v. Bresler*, 398 U.S. 6, 13 (1970); *NAACP v. Claiborne Hardware Co.*, 458 U.S. 886, 915 n.50 (1982); *Bose*, 466 U.S. at 499; *Harte-Hanks Commc’ns, Inc. v. Connaughton*, 491 U.S. 657, 685–88 (1989).

8. The state court opinion here also conflicts with decisions of other states over the proper application of the independent review doctrine. Only this Court can clarify the doctrine’s proper application and restore national uniformity to this important First Amendment bulwark.

9. Counsel respectfully request a 60-day extension of time to file the petition for a writ of certiorari in this case.

10. Counsel with specialized Supreme Court practice expertise recently

joined the case, and the significant obligations related to their other matters—including anticipated emergency stay actions before this Court—will prevent them from familiarizing with the petition prior to the original deadline.

11. Likewise, local counsel has substantial obligations to supervise and litigate multiple recently filed lawsuits in state and federal courts in South Carolina that require significant time and attention.

12. Counsel for the State of South Carolina take no position on this request for an extension of time.

For the foregoing reasons, Petitioner respectfully requests that an order be entered extending the time in which to petition for a writ of certiorari by 60 days, up to and including July 14, 2025, under Sup. Ct. R. 30.1.

Respectfully submitted,

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