

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

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IN THE SUPREME COURT OF THE UNITED STATES

October Term, 2025

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MARIO DION WOODWARD,

Petitioner,

V.

STATE OF ALABAMA,

Respondent.

CAPITAL CASE

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APPLICATION FOR EXTENSION OF TIME TO FILE  
PETITION FOR WRIT OF CERTIORARI TO THE  
ALABAMA COURT OF CRIMINAL APPEALS

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TO THE HONORABLE CLARENCE THOMAS, Associate Justice of the  
Supreme Court of the United States, and Circuit Justice for the United States  
Court of Appeals for the Eleventh Circuit:

Petitioner Mario Woodward (“Woodward”), by and through undersigned  
counsel and pursuant to Rule 13.5 of the Rules of the Supreme Court of the United  
States, respectfully requests an extension of time of sixty (60) days to file his  
Petition for Writ of Certiorari in this Court, up to and including April 20, 2026.  
Woodward seeks review of the decision of the Alabama Court of Criminal Appeals

affirming the denial of post-conviction relief in his capital case. Counsel for Respondent, the State of Alabama, has confirmed that Respondent does not oppose this request.

Woodward invokes the jurisdiction of this Court pursuant to 28 U.S.C. § 1257(a). The present deadline to file a Petition for Writ of Certiorari is February 19, 2026. In support of this request, Woodward makes the following showing of good cause:

In 2008, Woodward was convicted of capital murder and sentenced to death in Montgomery County, Alabama. The Alabama Court of Criminal Appeals affirmed his conviction and sentence on December 16, 2011, and issued a modified opinion upon denying Woodward's application for rehearing on August 12, 2012. *Woodward v. State*, 123 So. 3d 989 (Ala. Crim. App. 2011). The Supreme Court of Alabama denied certiorari on April 19, 2013. This Court subsequently denied certiorari. *Woodward v. Alabama*, 571 U.S. 1045 (2013); *see also id.* (Sotomayor, J., dissenting from denial of cert. and Breyer, J., joining in part).

Woodward subsequently filed for post-conviction relief in the Circuit Court of Montgomery County pursuant to Rule 32 of the Alabama Rules of Criminal Procedure, on April 15, 2014. The Circuit Court entered an Order on October 9, 2015 summarily dismissing all of Woodward's claims except for one: Woodward's claim alleging ineffective assistance of counsel under *Strickland v. Washington*, 466 U.S. 668 (1984), on the basis that his trial counsel improperly failed to object to the State's use of peremptory strikes to remove African-American venire members from

the jury pool on the basis of their race, in violation of *Batson v. Kentucky*, 476 U.S. 79 (1986). An evidentiary hearing on Woodward's *Batson*-related claim was held on February 18, 2016; the Circuit Court then entered a final Order dismissing that claim on February 23, 2016. On appeal, the Alabama Court of Appeals affirmed the denial of relief on April 27, 2018 (*Woodward v. State*, 276 So. 3d 713 (Ala. Crim. App. 2018)), and denied rehearing (2018 Ala. Crim. App. LEXIS 495 (Ala. Crim. App. July 27, 2018)). The Supreme Court of Alabama denied certiorari on November 16, 2018. This Court denied certiorari on October 7, 2019. *Woodward v. Alabama*, 589 U.S. 917 (2019).

In parallel to Woodward's post-conviction proceedings, Woodward filed a Freedom of Information Act case against the U.S. Marshals Service, seeking records related to the investigation that led to his 2006 arrest. *See Woodward v. U.S. Marshals Service*, No. 1:18-CV-1249-RC (D.D.C. May 29, 2018). That action culminated in the production of records that had never previously been disclosed to Woodward, including sworn affidavits filed under seal shortly before Woodward's arrest, in which law enforcement identified a suspect other than Woodward. Since the State presented no direct evidence at trial tying Woodward to the crime, the improperly withheld evidence of an alternative suspect was highly relevant and favorable to Woodward's defense.

Accordingly, Woodward filed a second petition for post-conviction relief under Rule 32 of the Alabama Rules of Civil Procedure on October 18, 2023, seeking relief based on an apparent violation of *Brady* and the Due Process Clause. After the

State responded, Woodward filed an amended petition on January 9, 2024. On July 18, 2024, the Circuit Court summarily dismissed the amended petition in a terse three-sentence order. The Alabama Court of Criminal Appeals affirmed the Circuit Court's summary dismissal on June 20, 2025, and denied rehearing on August 29, 2025. *See Woodward v. Alabama*, No. CR-2024-0641, \_\_\_ So. 3d \_\_\_ (Ala. Crim. App. June 20, 2025) (Appendix A); *id.*, \_\_\_ So. 3d \_\_\_ (Ala. Crim. App. Aug. 29, 2025) (Appendix B). The Supreme Court of Alabama denied certiorari on November 21, 2025.

A petition for certiorari in this case is essential because Woodward is under a judicially-imposed sentence of death, and his post-conviction case implicates substantial and complex issues of federal constitutional law, including on the application of *Brady* and its progeny by the Alabama courts. Undersigned counsel respectfully requests this extension on Woodward's behalf because of the importance of these questions, as well as counsel's parallel obligations in other cases. An extension of sixty (60) days would afford sufficient time for counsel to properly develop the relevant issues and present them to this Court for review. Moreover, Respondent does not oppose the requested extension.

THEREFORE, Woodward respectfully requests that this Court grant him a sixty (60) day extension of time within which to file his petition for a writ of certiorari, up to and including April 20, 2026.

Respectfully submitted, this 27th day of January, 2026.

/s/ James C. Martin

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