

IN THE
Supreme Court of the United States

JUAN MATTHEWS,
Applicant,

v.

LOUISIANA,
Respondent.

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

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

To the Honorable Samuel Alito, Associate Justice of the Supreme Court of the United States and Circuit Justice for the United States Court of Appeals for the Fifth Circuit:

Pursuant to Rule 13.5 of the Rules of this Court and 28 U.S.C. § 2101(c), Applicant Juan Matthews respectfully requests a 30-day extension of time, to and including August 16, 2026, within which to file a petition for a writ of certiorari to review the judgment of the Supreme Court of Louisiana in this case.

In support of this request, Applicant states as follows:

1. The Supreme Court of Louisiana denied Mr. Matthews's writ application on March 18, 2026. *See* App.1a. This Court then extended the time to file a petition for a writ of certiorari by 30 days. Unless extended, the time to file a petition for a writ of certiorari will expire on July 16, 2026. *See* Sup. Ct. R. 13.1. This application is being filed more than ten days before that date. *See* Sup. Ct. R. 13.5. The jurisdiction of this Court would be invoked under 28 U.S.C. § 1257(a).

2. Mr. Matthews is a state prisoner in Louisiana. In 1992, Mr. Matthews was convicted of second-degree murder and sentenced to life imprisonment. App.16a.

3. The State's case against Mr. Matthews was thin. No murder weapon was recovered. Louisiana Supreme Court Writ Application at 8. No DNA or other forensic evidence tied Mr. Matthews to the crime. *Id.* And no motive was identified. *Id.* The prosecution instead rested on the testimony of three witnesses: Lloyd Martin (a close friend of the victim who, at the time of Mr. Matthews's trial, faced a potential

life sentence in an unrelated case), ten-year-old Vanessa Henry, and twelve-year-old Dominique Gibson. *Id.* at 7-8. Their testimony diverged on core facts, including the time of the shooting, the shooter's clothing, and the witnesses' respective locations. *Id.*

4. Over thirty years after the trial, Mr. Matthews discovered that the State withheld evidence that would have undermined the State's already-weak case. The State had evidence that an additional witness, Leroy Milton, described the fleeing perpetrator as approximately 40 years old; Mr. Matthews was only 21 at the time. App. 17a n.1. The State had evidence that Vanessa Henry testified falsely when she claimed to have lived across the street from the shooting and when she claimed to have witnessed the shooting from her front porch. Louisiana Supreme Court Writ Application at 7. And the State had records showing that Natha Lee Rubin, who placed an emergency call and observed a man fleeing the scene, was presented with a photo lineup shortly after the shooting that included Mr. Matthews, but she did not identify him. App. 18a.

5. Upon discovering this evidence, Mr. Matthews filed an application for postconviction relief in the Orleans Parish Criminal District Court, asserting violations of his due process rights under *Brady v. Maryland*, 373 U.S. 83 (1963).

6. As the trial court acknowledged, it is "undisputed" that the State failed to produce all the exculpatory discovery requested by Mr. Matthews's counsel before trial. App. 17a. The trial court nevertheless denied relief in a two-page decision. The court reasoned that the trial evidence was sufficient to support Mr. Matthews's

conviction, without considering how the suppressed evidence would have affected the strength of the prosecution's case or the reliability of the verdict. App. 18a-19a. That outcome runs counter to this Court's precedent. *See Kyles v. Whitley*, 514 U.S. 419, 434 (1995) (noting that the *Brady* materiality inquiry is not "a sufficiency of the evidence test").

7. The Louisiana appellate courts did not correct that error. The Louisiana Fourth Circuit Court of Appeals granted review but denied relief. One judge dissented, observing that the postconviction court had "reduced its materiality analysis to a sufficiency of evidence test." App. 14a. The Louisiana Supreme Court then declined to grant review of the decision, although one justice would have docketed the case for full consideration on the merits. App. 1a-2a.

8. Mr. Matthews intends to file a certiorari petition seeking this Court's review of that decision, which is at odds with this Court's precedents. Mr. Matthews's case is an outlier in this country, but it is not an outlier in the Louisiana courts. Louisiana courts have repeatedly misapplied *Brady* in similar circumstances. *See Brown v. Louisiana*, 143 S. Ct. 886, 888 (2023) (Jackson, J., dissenting from denial of certiorari) ("We have repeatedly reversed lower courts—and Louisiana courts, in particular—for similar refusals to enforce the Fourteenth Amendment's mandate that favorable and material evidence in the government's possession be disclosed to the defense before trial.") (collecting cases); *Skinner v. Louisiana*, 146 S. Ct. 1000, 1009 n.4 (2026) (Sotomayor, J., dissenting) (recognizing the same).

9. Jo-Ann Tamila Sagar of Hogan Lovells US LLP, Washington, D.C., was brought onto the case for purposes of preparing a petition for a writ of certiorari on behalf of Mr. Matthews in this Court. Good cause exists for the extension, as counsel is occupied with upcoming briefing deadlines for other matters, including a principal and response brief in *Louisiana v. FDA*, No. 26-30203 (5th Cir.), likely due July 15; a reply brief in *United States v. Franklin*, No. 25-3054 (D.C. Cir.), due on July 21; an amicus brief in *Ex parte Rodney Reed*, No. WR-50,961-12 (Tex. Crim. App.), likely due on July 31; and an opening brief in *Ford Motor Company v. Mikhov*, No. 26-2317 (9th Cir.), due on August 3. Counsel also filed an amicus brief on June 22 on behalf of a group of econometrics experts in *Cornell University v. Corzo*, No. 26-08014 (7th Cir.). This extension of time will allow counsel to research the relevant legal and factual issues and prepare a petition that comprehensively addresses the important question raised by the decision below.

10. For these reasons, Applicant respectfully requests that an order be entered extending the time to file a petition for certiorari to and including August 16, 2026.

Respectfully Submitted,

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June 29, 2026

APPENDIX

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APPENDIX A

THE SUPREME COURT OF THE STATE OF LOUISIANA

STATE OF LOUISIANA

No. 2025-KP-01231

VS.

JUAN MATTHEWS

IN RE: Juan Matthews – Applicant Defendant; Applying For Writ of Certiorari,
Parish of Orleans Criminal, Criminal District Court Number(s) 356-485, Court of
Appeal, Fourth Circuit, Number(s) 2025-K-0262;

March 18, 2026

Writ application denied.

JBM

JLW

JDH

JMG

CRC

AHP

2a

Griffin, J., would grant and docket.

Supreme Court of Louisiana

March 18, 2026

/s/ Katie Marjanovic

Chief Deputy Clerk of Court

For the Court

3a

APPENDIX B

COURT OF APPEAL, FOURTH CIRCUIT
STATE OF LOUISIANA

No. 2025-K-0262

STATE OF LOUISIANA

VERSUS

JUAN MATTHEWS

IN RE: JUAN MATTHEWS

APPLYING FOR: SUPERVISORY WRIT

DIRECTED TO: HONORABLE KIMYA M. HOLMES
CRIMINAL DISTRICT COURT OF ORLEANS PARISH
SECTION "D", 356-485

Filed: August 27, 2025

WRIT GRANTED; RELIEF DENIED

Relator, Juan Matthews ("Defendant"), seeks review of the district court's February 25, 2025 judgment which denied his application for post-conviction relief. For the reasons that follow, we grant the writ, but deny the relief requested.

This Court's role in reviewing post-conviction *Brady*¹ claims is not to demand rigid wording in district court judgments, but to determine whether the record demonstrates a violation of constitutional magnitude. Though the district court judgment did not expressly recite the test of materiality set forth in *Kyles v. Whitley*, 514 U.S. 419, 115 S.Ct. 1555, 131 L.Ed.2d 490 (1995), and *United States v. Bagley*, 473 U.S. 667, 105 S.Ct. 3375, 87 L.Ed.2d 481 (1985), it nonetheless reflects that the district court carefully weighed the cumulative effect of the suppressed evidence and found it insufficient to undermine confidence in the verdict.

Defendant's *Brady* claim is grounded in three pieces of withheld information: (1) the inability of a witness, N.R., who did not testify at trial, to identify Defendant in a photo lineup, (2) field notes from an officer referencing a separate witness's vague description of someone leaving the scene, and (3) notations in the field notes that suggested V.H., an eyewitness, did not live across the street from the scene of the shooting, as she testified at trial. Neither N.R. nor the witness mentioned in the field notes saw the shooting, and neither could identify the suspect. N.R. explicitly stated she did not get a good look at the suspect's face. The witness mentioned in the filed

¹ *Brady v. Maryland*, 373 U.S. 83, 83 S.Ct. 1194, 10 L.Ed.2d 215 (1963)

notes was never shown a lineup and acknowledged he did not see the individual's face.

The withheld evidence does not meet the threshold of materiality. As *Smith v. Cain*, 565 U.S. 73, 76, 132 S.Ct. 627, 630, 181 L.Ed.2d 571 (2012), explains, impeachment evidence may not be material where other evidence of guilt is sufficiently strong. In the case *sub judice*, three eyewitnesses, who were each subject to cross-examination, identified Defendant as the shooter. One of those witnesses, L.M., gave a statement identifying Defendant before L.M. was charged in an unrelated heroin case. D.G. and V.H. also independently identified Defendant and provided consistent testimony regarding his nickname. The record shows the jury was fully informed of the plea deal involving L.M. and the variance between the testimony of V.H. and the police report as to the time the shooting occurred. These matters were properly tested at trial and assessed by the jury. Furthermore, the fact that V.H., a ten-year-old child, may not have been a resident of the building from which she witnessed the shooting is immaterial, especially since her testimony was corroborated by two additional witnesses.

While the district court did not recite the *Brady* standard in its ruling, the district court applied that standard in substance. The district court acknowledged the withheld evidence and found, after assessing all evidence presented at trial, including the alibi and defense witnesses, that the new evidence did not cast sufficient doubt on the integrity of the verdict.

Importantly, Louisiana law places the burden of proof on the post-conviction petitioner. La. C.Cr.P. art. 930.2; *see also State ex rel. Williams v. State*, 15-1073, p. 1 (La. 4/22/16), 195 So.3d 433, 434. Defendant has not met that burden. The evidence in this case does not resemble failure to disclose significant impeachment evidence, as found in *State v. Bright*, 02-02793 (La. 5/25/04), 875 So.2d 37 (failure to disclose that the State's star witness, the only witness to identify the defendant, who acknowledged he had been drinking for many hours prior to the shooting, had a prior felony conviction and was on parole at the time of the offense and at the time of his subsequent identification of the defendant as the shooter), or in *Wearry v. Cain*, 577 U.S. 385, 136 S.Ct. 1002, 194 L.Ed.2d 78 (2016)(failure to disclose police records that showed that two fellow inmates of the State's star witness had made statements that cast doubts on the witness's credibility, failure to disclose medical records of a man, who the star witness claimed pulled the victim out of his car and shoved him into the

cargo area, which revealed that the man had undergone knee surgery nine days before the murder, and failure to disclose that another key witness for the State had twice sought a deal to reduce his sentence on an existing conviction in exchange for testifying).

The testimony of Defendant's trial counsel, Tilden Greenbaum, does not demonstrate prejudice or a missed trial strategy of constitutional consequence. And while defense counsel might have used the field notes to argue further impeachment, speculation about alternative trial strategies does not establish a constitutional violation unless the withheld evidence is reasonably likely to have changed the result.

Ultimately, this case does not present a close call under *Kyles* and *Bagley*. The alleged *Brady* evidence is neither singularly compelling nor collectively material when assessed alongside the trial record, which includes multiple consistent identifications of Defendant by witnesses, two of whom were familiar with him. The district court made factual findings and credibility determinations grounded in the record and evidence. We find that the district court did not abuse its discretion in denying the post-conviction relief sought by Relator.

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For the foregoing reasons, the writ is granted, but the requested relief is denied.

/s/ JCL

JUDGE JOY COSSICH LOBRANO

/s/ DLD

JUDGE DANIEL L. DYSART

/s/ JENKINS, J., DISSENTS WITH REASONS

JUDGE SANDRA CABRINA JENKINS

JENKINS, J., DISSENTS AND ASSIGNS REASONS

I dissent from the majority's consideration of the merits of the district court's denial of Mr. Matthews' *Brady* claims raised in his application for postconviction relief. I would grant the writ, set aside the judgment of February 25, 2025² and remand the matter to the district court for the limited purpose of amendment to the judgment to include findings, analysis and conclusion of law consistent with *Brady*,

² I would order that Mr. Matthews' conviction and sentence remain intact pending the district court's amendment to the February 25, 2025 judgment.

Bagley, *Kyles*, and their progeny on the issue of materiality.³ Such a remand is not a demand for “rigid wording in a district court’s judgment,” but rather a request for clarity from the district court as to its finding of whether Mr. Matthews received a constitutional trial and verdict.

The prosecution violates a defendant’s due process rights under the Fourteenth Amendment when it withholds favorable evidence that has been requested by the defense where such evidence is material to the issues of guilt or punishment, whether the prosecutor acted in good or bad faith. *Brady v. Maryland*, 373 U.S. 83, 87, 83 S.Ct. 1194, 1196-97, 10 L.Ed. 2d 215 (1963); *State v. Bright*, 2002-2793, p. 5 (La. 5/25/04), 875 So.2d 37, 41; *State v. Fields*, 2013-1493, p. 36 (La. App. 4 Cir. 10/18/14), 151 So.3d 756, 778. Evidence is material if it is needed to impeach the testimony of a witness whose reliability or credibility may determine guilt or innocence. *United States v. Bagley*, 473 U.S. 667, 676, 105 S.Ct. 3375, 3380, 87 L.Ed. 2d 481 (1985); *Bright*, 2002-2793, p. 5, 875 So.2d at 41; *Fields*, 2013-1493, p. 36, 151 So.3d at 778.

³ See *Brady v. Maryland*, 373 U.S. 83, S.Ct. 1194, 10 L.Ed. 2d 215 (1963); *United States v. Bagley*, 473 U.S. 667, 105 S.Ct. 3375, 87 L.Ed. 2d 481 (1985); *Kyles v. Whitley*, 514 U.S. 419, 115 S.Ct. 1555, 141 L.Ed 2d 490 (1995).

However, in order to show materiality, a defendant must show that the withheld evidence resulted in the denial of his right to a fair trial. *United States v. Agurs*, 427 U.S. 97, 108, 96 S.Ct. 2392, 2400, 49 L.Ed 2d 342 (1976); *Bright*, 2002-2793, p. 6, 875 So.3d at 42. As the Court noted in *Kyles v. Whitley*, 514 U.S. 419, 434, 115 S.Ct. 1555, 1566, 141 L.Ed 2d 490 (1995), a reviewing court need not determine “whether defendant would more likely than not have received a different verdict with the evidence, but whether in its absence, he received a *fair trial, understood as a trial resulting in a verdict worthy of confidence*.” [emphasis supplied]. See also *Bright*, 2002-2793, p. 6, 875 So.2d at 42.

The *Bright* Court emphasizes that the reviewing court must not apply “an outcome-determinative test in which it weighs the probabilities that the petitioner would have obtained an acquittal at trial or might do so at a second trial; instead, a *Brady* violation occurs when the ‘evidentiary suppression’ undermines confidence in the outcome of the trial.” *Id.*, citing *Kyles*, 514 U.S. at 434, 115 S.Ct. at 1566 (quoting *Bagley*, 463 U.S. at 678, 105 S.Ct. at 3381).

MATERIALITY

The doctrine of materiality is critical in a district court’s review and rulings of

claims alleging *Brady* violations. The narrow issue the district court is tasked to rule upon is whether the withheld evidence is material under *Brady*, *Bagley*, and *Kyles*.

The district court's judgment acknowledges that the State did not disclose all the information it had available to it. The district court's ruling ends abruptly with a finding that the withheld evidence is not *Brady*. The judgment makes no findings as to whether Mr. Matthews received a fair trial.

Bagley's touchstone of materiality is a "reasonable probability" of a different result, and the adjective is important. 473 U.S. at 682, 105 S.Ct. at 3383. The question is not whether the defendant would more likely than not have received a different verdict with the evidence, but whether in its absence he received a fair trial, understood as a trial resulting in a verdict worthy of confidence. *Kyles*, 514 U.S. at 534, 115 S.Ct. at 1599. A "reasonable probability" of a different result is accordingly shown when the government's evidentiary suppression "undermine[s] confidence in the outcome [of the trial]." *Bagley*, 473 U.S., at 682, 105 S.Ct. at 3383.

Admittedly, as noted by the Louisiana Supreme Court in *Bright*, 2002-2793, p. 6, 875 So.2d at 42, "*Brady* and its progeny do not establish a general rule of discoverability, and not every case in which it is discovered post-trial that favorable

evidence was withheld by the State will result in the reversal conviction.” A prosecutor does not breach any constitutional duty to disclose favorable evidence unless the “omission is of sufficient significance to result in the denial of the defendant’s right to a fair trial.” *Agurs*, 427 U.S. at 108, 96 S.Ct. at 2400; *Bright*, 2002-2793, p. 6, 875 Sp. 2d at 42.

REVIEW OF EVIDENCE

The district court, with great detail, acknowledges the evidence it considered in ruling the withheld evidence is not *Brady*.

“...this Court considers the materiality in light of all the evidence adduced, including the testimony of the Petitioner himself, whose alibi defense was rebutted by the State. Two eyewitnesses indeed identified Mr. Matthews as the perpetrator, and Mr. Matthews’ description of his alibi during trial was not consistent with the alibi he gave contemporaneously to the shooting event when he voluntarily spoke with NOPD immediately following the shooting. Mr. Matthews was identified not only by Miss Hendry, but by Dominique Gibson, who was on the scene in close proximity

to the shooting, and was able to identify Mr. Matthews as the shooter on scene as well as describe that he frequented the area.”⁴

However, the Supreme Court in *Kyles* relies on *Bagley*’s admonition that materiality is not a sufficiency of evidence test. 514 U.S. at 434, 115 S.Ct. at 1566. As the Supreme Court explained:

A defendant need not demonstrate that after discounting the inculpatory evidence in light of the undisclosed evidence, there would not have been enough left to convict. The possibility of an acquittal on a criminal charge does not imply an insufficient evidentiary basis to convict. One does not show a *Brady* violation by demonstrating that some of the inculpatory evidence should have been excluded, but by showing that the favorable evidence could reasonably be taken to put the whole case in such a different light as to undermine confidence in the verdict.

Id.

⁴ February 25, 2025 Judgment

A review of the district court's judgment supports Mr. Matthews' claim that a sufficiency of the evidence analysis was employed in the court's determination as to the validity of his claims. The judgment outlines witnesses and evidence considered by the court and the conclusion that the withheld evidence was not *Brady*. I find that the district court reduced its materiality analysis to a sufficiency of evidence test.

REMAND

The Matthews judgment is void of a finding as to whether the omission of the suppressed evidence "undermines confidence in the outcome of the trial." *Bagley*, 473 U.S. at 678, 105 S.Ct. at 3381. Additionally, the judgment is silent of a definitive finding as to whether Mr. Matthews received a constitutional trial and verdict in the absence of the withheld evidence. The judgment simply concludes that the withheld evidence is not *Brady* material.

In this instance, determination as to whether the withheld evidence was material is best suited for the district court. Both the State and Mr. Matthews were afforded the opportunity to present evidence and arguments. The district court received the evidence and considered the arguments presented. For the reasons assigned, I would not consider the merits of the claim. Instead, I would set aside the

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judgment of February 25, 2025 and remand the matter to the district court for the limited purpose of amendment to the judgment to include findings and conclusions of law consistent with *Brady*, *Bagley*, *Kyles* and their progeny on the issue of materiality.

I respectfully dissent.

16a

APPENDIX C

CRIMINAL DISTRICT COURT FOR THE PARISH OF ORLEANS
STATE OF LOUISIANA

No. 356-485
Section “D”

STATE OF LOUISIANA,

v.

JUAN MATTHEWS,

Filed: February 25, 2025

RULING DENYING POST-CONVICTION RELIEF

The Petitioner filed an Application for Post-Conviction Relief, seeking review of his 1992 conviction for second degree murder, and subsequent sentence of life imprisonment at the Department of Corrections. Based upon his application, the hearing conducted, the pleadings filed herein, and the record, I now DENY relief.

This Court previously ruled that only Petitioner’s claim under *Brady vs. Maryland* would be considered. Petitioner’s various exhibits, coupled with the

testimony propounded at the hearing do not rise to the standard needed to grant relief herein. It is undisputed that the State of Louisiana failed to turn over the entirety of applicable discovery which had been prayed for by trial counsel. This evidence included the police notes of individuals interviewed in relation to the shooting incident which ultimately resulted in Mr. Matthew's conviction. Notwithstanding this, the Petitioner bears the burden to show that the evidence that was not disclosed was **material**. Here, the petitioner fails.

Petitioner relies heavily on the theory that two individuals interviewed by NOPD officers in the aftermath of the shooting, Natha Rubin & Leroy Milton, offered information that was exculpatory in nature. This Court disagrees with that interpretation of the contents of their police interviews. Both Ms. Rubin and Mr. Milton describe (ostensibly two different) individuals, with vastly different characteristics¹, including age and build, whom they saw on or near the scene of the crime. **Neither** witness told police that the person they described was **the perpetrator of a shooting**. **Neither** witness told police the person they described was holding a weapon. Neither witness actually saw a shooting, instead seeing events

¹ Milton described a 40 year old male, while Ms. Rubin described a young, heavy-set male.

surrounding, but not including the shooting itself. The description of persons present in the neighboring area of a shooting, alone, without any indication that the person(s) described was involved, in order to contradict descriptions and identifications of the assailant, are not, in this Court's opinion, material. It should be noted that the Petitioner acknowledges that these same witnesses did not identify Juan Matthews as the shooter², but failed to acknowledge that these same witnesses did not identify **a shooter at all**.

The Petitioner further claims that the notes and writings withheld by the State could have been used in impeachment of Vanessa Henry. Miss Henry, a child, may not have been a resident of the building wherein she witnessed the events, but residence is not a requirement to be present in a place. The Court again finds the items withheld to be immaterial.

Finally, this Court considers materiality in light of all the evidence adduced, including the testimony of the Petitioner himself, whose alibi defense was rebutted by the State. Two eyewitnesses indeed identified Mr. Matthews as the perpetrator,

² See Reply Brief of Petitioner, p.10: "there were two other *unbiased* witnesses, **neither of whom identified Juan Matthews as the shooter.**"

and Mr. Matthews' description of his alibi during trial was not consistent with the alibi he gave contemporaneously to the shooting event when he voluntarily spoke with NOPD immediately following the shooting. Mr. Matthews was identified not only by Miss Henry, but by Dominique Gibson, who was **on the scene** in close proximity to the shooting, and was able to identify Mr. Matthews as the shooter on scene as well as describe that he frequented the area.

In light of the facts adduced herein, this Court finds that, while the State of Louisiana failed to disclose all the information it had available to it, the documents that were withheld do not constitute *Brady* material, and Petitioner has not met his burden in order to vacate his conviction. I therefore **DENY** relief.

New Orleans, Louisiana, this 25th day of February, 2025.

/s/ Kimya M. Holmes
Kimya M. Holmes
JUDGE

Please serve:

- JUAN MATTHEWS #225702
- Counsel for Mr. Matthews
- State of Louisiana, Office of the District Attorney