

No. _____

IN THE SUPREME COURT OF THE UNITED STATES

CLYDE WENDELL SMITH,

Petitioner,

v.

STATE OF MISSISSIPPI

Respondent.

ON PETITION FOR WRIT OF CERTIORARI
TO THE MISSISSIPPI SUPREME COURT

**UNOPPOSED APPLICATION FOR THIRTY (30) DAY EXTENSION OF TIME TO
FILE PETITION FOR WRIT OF CERTIORARI TO THE MISSISSIPPI SUPREME
COURT**

PETITIONER, Clyde Wendell Smith, respectfully requests an extension of time of thirty (30) days to file his Petition for Writ of Certiorari to the Mississippi Supreme Court, pursuant to Supreme Court Rule 13. In support of his request, Mr. Smith states as follows:

1. Mr. Smith is an indigent death-sentenced inmate in the custody of the State of Mississippi. Mr. Smith was convicted and sentenced in the 4th Circuit Court District of Leflore County, Mississippi.
2. Undersigned counsel were appointed to represent Mr. Smith on September 30, 2020, by the Mississippi Supreme Court.

3. This case involves the February 4, 2025, decision of the Mississippi Supreme Court denying Mr. Smith's application for leave to file a successive postconviction motion pursuant to Miss. Code Ann. 99-39-27. *See* Attachment A. Mr. Smith's case involves complex procedural and substantive issues implicating the Sixth, Eighth, and Fourteenth Amendments to the United States Constitution. On June 5, 2025, the Mississippi Supreme Court denied Mr. Smith's timely motion for rehearing. *See* Attachment B.
4. Mr. Smith will file a Petition for Writ of Certiorari in this Court. This Court has jurisdiction under 28 U.S.C. § 1257.
5. The time to seek certiorari following the Mississippi Supreme Court's denial of rehearing under this Court's Rule 13 expires on September 3, 2025. Under 28 U.S.C. § 2101(d) and Supreme Court Rules 13.5 and 30.2,
6. Mr. Smith requests an extension of time of thirty (30) days to file his petition, to and including October 3, 2025. He is requesting this extension more than ten days before the current deadline. Undersigned counsel show the following good cause in support of this request.
7. Undersigned counsel are supervisors of their respective offices, the Mississippi Office of Capital Post-Conviction Counsel (Attorney Nobile) and the Capital Habeas Unit of the Office of the Federal Defender for the Middle District of Florida (Attorney Donnelly). Both Offices represented clients executed by the States of Mississippi and Florida, respectively, in June and July of 2025 (Miss.: Richard Jordan, executed June 24, 2025; Fla.: Michael Bell, executed July 15, 2025). The

litigation of those cases while under warrant was extremely time- and resource-consuming and hindered undersigned counsels' ability to prepare a writ of certiorari in this case.

8. Special Assistant Attorney General Brad Smith, who represents the State of Mississippi, does not object to this extension.

WHEREFORE, Mr. Smith, through his counsel, respectfully requests an extension of time of thirty (30) days to file the Petition for Writ of Certiorari to the Mississippi Supreme Court in this case.

Respectfully submitted,

/s/ Krissy C. Nobile

KRISSY C. NOBILE

Counsel of Record

Mississippi Office of Capital

Post-Conviction Counsel

239 North Lamar Street, Suite 404

Jackson, MS 39201

Tel: 601-359-5733

knobile@pcc.state.ms.us

/s/ Marie F. Donnelly

MARIE F. DONNELLY, admitted

pro hac vice

Capital Habeas Unit

Office of the Federal Defender

Middle District of Florida

400 North Tampa Street, Suite 2700

Tampa, FL 33602

Tel: 813-228-2715

Marie_donnelly@fd.org

COUNSEL FOR MR. SMITH