

No. _____

**IN THE SUPREME COURT OF THE UNITED STATES
OCTOBER TERM, 2025**

JIMMY SPENCER,

Petitioner,

v.

STATE OF ALABAMA,

Respondent.

**Application for an Extension of Time
to File a Petition for a Writ of Certiorari to the
Alabama Court of Criminal Appeals**

**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:**

Pursuant to Rules 13.5 and 30 of the Rules of this Court, Applicant Jimmy Spencer respectfully requests a 30-day extension of time within which to file a petition for a writ of certiorari up to and including Monday,

January 19, 2026:

1. The jurisdiction of this Court is invoked pursuant to 28 U.S.C. § 1257(a).

2. After Mr. Spencer timely appealed his convictions and sentence, the Alabama Court of Criminal Appeals affirmed his convictions and death sentence on December 20, 2024. *Spencer v. State*, No. CR–2022–1280, 2024 WL 5182403 (Ala. Crim. App. Dec. 20, 2024). (Exhibit 1). On March 25, 2025, the Court of Criminal Appeals denied Mr. Spencer’s application for rehearing (Exhibit 2). Mr. Spencer filed a petition for writ of certiorari to the Alabama Supreme Court, which the Alabama Supreme Court denied on September 19, 2025. (Exhibit 3).

3. Pursuant to Rules 13.1, 13.3, and 30.1 of the Rules of this Court, a petition for writ of certiorari is due to be filed on or before December 18, 2025.

4. This is a capital case in which the death penalty has been imposed. Mr. Spencer is incarcerated at Holman Correctional Facility in Atmore, Alabama. No execution date has been scheduled in this case.

5. Petitioner’s case raises meritorious issues regarding the

constitutionality and reliability of his capital conviction and death sentence. As such, there are compelling questions about whether the Alabama Court of Criminal Appeals properly denied Mr. Spencer's appeals.

6. Undersigned counsel is currently involved in the appeals of many capital cases: several habeas corpus cases in the federal district courts, postconviction cases in Alabama state courts, and several direct appeals to the Alabama Court of Criminal Appeals and the Alabama Supreme Court. Counsel faces a number of deadlines in these cases in the coming weeks.

7. An additional thirty (30) days is needed to prepare a pleading that adequately apprises this Court of the relevant facts and law in this case.

FOR THESE REASONS, Mr. Spencer respectfully requests an additional thirty (30) days in which to file his petition for a writ of certiorari, thereby changing to January 19, 2026, the date on or by which it must be filed.¹

¹Thirty days following December 18, 2025 is Saturday, January 17, 2026. Pursuant to Rule 30.1, the petition would be due Monday, January

Respectfully submitted,

/s/ Angela L. Setzer

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December 5, 2025

Counsel for Jimmy Spencer

19, 2025.