

No. _____

IN THE SUPREME COURT OF THE UNITED STATES

ROBERT WOODALL

Petitioner,

v.

COMMONWEALTH OF KENTUCKY,

Respondent.

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

CAPITAL CASE

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TO THE HONORABLE BRETT M. KAVANAUGH, ASSOCIATE JUSTICE OF
THE SUPREME COURT OF THE UNITED STATES AND CIRCUIT JUSTICE
FOR THE SIXTH CIRCUIT:

Petitioner, Robert Woodall, respectfully applies to this Court for an order extending the time in which to file his petition for writ of certiorari from August 25, 2026 until October 24, 2026, a period of sixty (60) days. Woodall is filing this

Application at least ten days before the present due date. See S.Ct. R. 13.5. This Court has jurisdiction under 28 U.S.C. §1254. In support of this Application, Petitioner states as follows:

1. Mr. Woodall is incarcerated under conviction of murder for which he was sentenced to death. *Woodall v. Commonwealth*, 63 S.W.3d 104 (Ky. 2001).
2. In state post-conviction proceedings, Mr. Woodall was denied relief on his claim that he is ineligible for the death penalty due to intellectual disability because none of his Intelligence Quotient (I.Q.) scores fell below a score of 70. The Kentucky Supreme Court affirmed. *Woodall v. Commonwealth*, 2005 WL 3131603, at *1 (Ky. 2005).
3. The district court denied Woodall's pre-*Hall* intellectual disability claim in his § 2254 petition, based upon Kentucky's strict IQ cut-off law similar to the Florida law held to be unconstitutional by this Court in *Hall v. Florida*, 572 U.S. 701 (2014).
4. While Woodall's federal habeas case was pending in the Sixth Circuit, this Court decided *Hall v. Florida*, 572 U.S. 701 (2014). Woodall then successfully moved to hold his habeas appeal in abeyance while he pursued his post-*Hall* intellectual disability

claim in state court.

5. Despite Woodall presenting evidence in state court, including expert testimony from a forensic neuropsychologist who conducted a neuropsychological evaluation of Woodall under the new intellectual disability standard established in *Hall*, Kentucky again rejected Woodall's intellectual disability claim. *Woodall v. Commonwealth*, 709 S.W.3d 71 (2024), and this court denied certiorari, *Woodall v. Kentucky*, No. 25-5459, 2026 WL 135633 (Jan. 20, 2026).
6. Woodall then moved to remand his habeas case to the district court to allow him an opportunity to amend the intellectual disability claim in his habeas petition to include the evidence of intellectual disability introduced in the post-*Hall* state court proceeding.
7. On February 26, 2026 a divided Sixth Circuit panel rejected Woodall's motion to amend the habeas petition, construing it instead as an application for leave to file a second or successive petition (order attached). Woodall's petition for rehearing en banc was denied on May 27, 2026 (order attached).
8. Mr. Woodall now seeks a writ of certiorari for the United States Court of Appeals for the Sixth Circuit with respect to its order entered on February 26, 2026, as referenced above. This Court's

jurisdiction to grant the same arises pursuant to 28 U.S. C. § 1254 (a).

9. According to Supreme Court Rule 13.3, a petition for writ of certiorari to this court is due on or before August 25, 2026. See Supreme Court Rule 13.3 (“the time to file the petition for a writ of certiorari . . . runs from the date of the denial of rehearing or, if rehearing is granted, the subsequent entry of judgment”). However, the time granted by Supreme Court Rule 13 will be insufficient to allow Mr. Woodall’s counsel to do justice to the issue(s) at hand, which are of vast import. Therefore, Woodall seeks an extension of sixty (60) days in which to file his petition for a writ of certiorari. See Supreme Court Rule 13.5 (“[A] Justice may extend the time to file a petition for writ of certiorari for a period not exceeding 60 days”).
10. As noted above, in accordance with Supreme Court Rule 13.5, this Application is submitted at least ten (10) days prior to the present due date. Further, the requested extension is made in good faith and not for the purposes of delay. And the requested extension is necessary due to the vital importance associated with the issue at hand – the right to a fair and reliable sentence. This Court has

repeatedly emphasized that “our duty to search for constitutional error with painstaking care is never more exacting than it is in a capital case.” *Burger v. Kemp*, 483 U.S. 776, 785 (1987). It is respectfully submitted that counsel’s duty to present all authorized claims of constitutional error with painstaking care is of equal import. Thus, it is important that counsel be granted additional time to research the constitutional issues at hand so that counsel may prepare Mr. Woodall’s petition with the care and accuracy demanded of such cases.

11. Obligations on behalf of clients of both counsel including clients who have been sentenced to death, have precluded counsel from being able to direct adequate time and attention to the preparation of a petition for writ of certiorari on Petitioner’s behalf. Therefore, in light of counsel’s current obligations and the importance of the constitutional issues that will be presented in this capital case, counsel submit that a sixty (60) day extension is necessary and appropriate in order to effectively prepare the petition for certiorari on Mr. Woodall’s behalf.

In the interest of justice and for good cause shown, counsel for Mr. Woodall respectfully request that this Court extend the current August 25, 2026

deadline until October 24, 2026.

Respectfully submitted,

/s/ Dennis J. Burke

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