IN THE
SUPREME COURT OF THE UNITED STATES
No._____

DEREK SALES,
PETITIONER,

V.

STATE OF ARKANSAS,
RESPONDENT.

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

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

Petitioner, DEREK SALES, respectfully requests a sixty (60) day extension of time within which to file a petition for a writ of certiorari to the Arkansas Supreme Court. In support thereof, Petitioner submits as follows:

1. Mr. Sales is a death sentenced Arkansas inmate who sought state post-conviction relief. The Arkansas Supreme Court denied Mr. Sales's Motion to Reinvest Jurisdiction in the Circuit Court to Petition for Writ of Error Coram Nobis on April 23, 2026. Appendix A. Mr. Sales intends to file a petition for writ of certiorari related to the Sixth Amendment claim which he raised in his motion. This Court has jurisdiction over such a petition under 28 U.S.C. § 1257.

2. The underlying claim arises out of new evidence that has come to light that the lead trial attorney harbored racial animus against Petitioner's race and

used the word "'n-----' when he talked about Black people involved in the case," including members of Petitioner's family, the decedent's family, and law enforcement investigators. Counsel used the racist slur to describe at least one witness—the State's lead investigator—while he testified. *See* Motion to Reinvest Jurisdiction in the Circuit Court to Petition for the Writ of Error Coram Nobis, at 3–4, *Sales v. State*, No. CR-07-1308 (Ark. filed Feb. 9, 2026).

3. Trial counsel's racial animus had profound and pervasive impacts on Petitioner's case, including resulting in counsel's failure to investigate Petitioner's intellectual disability despite pre-trial testing reflecting an IQ score of 76 based on the racist belief that persons of color inherently score artificially lower on IQ tests, engaging in a racially charged rant during jury selection about 'third-world countries' before a panel that included two eventual jurors, failing to counter inculpatory testimony during the guilt phase based on a racial stereotype about Black hair, and failing to present the exculpatory testimony of a witness whom he deemed "a dumb n-----." *Id.* at 7–8.

4. This case thus presents an important question for this Court regarding the impact of racial prejudice on the administration of criminal justice—in a death penalty case no less—an area in which this Court has exercised the utmost vigilance. *See Buck v. Davis*, 580 U.S. 100, 124–26 (2017).

5. Pursuant to Rule 13.1 of the Rules of The Supreme Court of the United States, Petitioner may file a petition within 90 days of the Arkansas Supreme Court's decision, i.e. by July 22, 2026.

6. Petitioner's counsel cannot meaningfully prepare a professionally appropriate certiorari petition by the current due date. Counsel requests a 60-day extension of time to file the petition, which would allow counsel sufficient time to thoroughly review and consider the proceedings below, research and analyze the issues presented, and prepare the petition for filing. The heavy press of counsel's work, which includes a number of other pending matters, interferes with counsel's ability to file the petition by July 22, 2026, and necessitates this request.

7. This request for an extension is being filed and served at least ten (10) days in advance of the due date, as required by Rule 13.5.

WHEREFORE, Petitioner requests that the Court allow a sixty (60) day extension for the preparation and filing of this Petition for Writ of Certiorari to the Arkansas Supreme Court addressing the post-conviction decision of that Court.

Respectfully submitted,

/s/ Timothy Kane

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