CAPITAL CASE

No. _____

IN THE SUPREME COURT OF THE UNITED STATES

_____

Jonathan D. Carr, Applicant

v.

State of Kansas

_____

APPLICATION DIRECTED TO THE HONORABLE NEIL M. GORSUCH FOR AN EXTENSION OF TIME TO FILE A PETITION FOR A WRIT OF CERTIORARI TO THE KANSAS SUPREME COURT

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s/s Mark Henricksen
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APPLICATION FOR EXTENSION OF TIME

To the Honorable Neil M. Gorsuch, Associate Justice of the United States and Circuit Justice for the Tenth Circuit:

1. Pursuant to 28 U.S.C. § 2101(c) and Supreme Court Rules 13.5, 22, 30, and 33.2, Applicant Jonathan D. Carr respectfully requests a 30-day extension of time, up to and including December18, 2026, to file a petition for a writ of certiorari. The Kansas Supreme Court issued its opinion and entered judgment on June 26, 2026. A copy of that opinion is attached as Appendix A. Mr. Carr moved the Kansas Supreme Court for rehearing of its decision, but the Court denied his motion on August 20, 2026, and attached a copy of the June 26,2026, opinion attached thereto. A copy of the August 20, 2026 order denying Mr. Carr's motion for rehearing is attached as Appendix B. Currently, a petition for certiorari would be due November 18, 2026. This application to extend that time has been filed more than 10 days before the petition's present filing deadline. This Court has jurisdiction under 28 U.S.C. § 1257(a) to review the decision of the Kansas Supreme Court.

2. In the decision to be reviewed, the Kansas Supreme Court addressed constitutional issues, including Kansas statutory provisions which Mr. Carr claims were violated. State statutory provisions, such as K.S.A. 21-6617(f) (formerly cited as K.S.A. 21-4642) provide a defendant with liberty interests which cannot be violated by labeling the statutory provisions as simple state procedural concerns. *Hicks v. Oklahoma*, 447 U.S. 343, 346 (1980). The Kansas court has decided a question that conflicts with relevant decisions of this Court. The questions involved are worthy of this Court's review.

3. Mr. Carr has good cause to seek an extension of time. First, Mr. Carr's undersigned counsel, Mark Henricksen, had injuries which resulted in major surgery on his back on October 6, 2026, which requires weeks of convalescence and caused inability to perform legal work required in the instant case as well as other unrelated cases. During convalescence, on October 13, 2026, counsel suffered adverse complications from the surgery and was admitted to a hospital through October 21, 2026, resulting in extending his recovery time for both the back surgery and resulting complications. As a result, counsel has been prevented from engaging in necessary daily activities or work, and extended his expected time for recovery. To date, undersigned counsel has had insufficient time to recouperate and has not been released by his medical team to return to work. As a result, time which counsel planned to devote solely to Mr. Carr's case to meet deadlines has been interrupted, and also reduced by the time required to fulfill obligations to clients in addition to Mr. Carr.

Mr. Carr respectfully submits that the press of business resulting from counsel's injuries and subsequent surgery, complications, and recovery constitutes good cause for an extension of time to competently prepare and file his petition for a writ of certiorari.

Additionally, the constitutional issues involved in Mr. Carr's petition for a writ of certiorari require substantial research in order to provide effective assistance of counsel to Mr. Carr.

4. Undersigned counsel has contacted counsel for respondent State of Kansas, and counsel, Mr. Boyd Isherwood, stated he has no objection to this request for extension to file a Petition For Certiorari.

CONCLUSION

For the foregoing reasons, Mr. Carr respectfully requests that an order be entered extending the time to file a petition for a writ of certiorari by 30 days, up to and including December 18, 2026.

Dated: November 2, 2026.

Respectfully submitted,

s/s Mark Henricksen
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