

No. \_\_\_\_\_

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In The  
Supreme Court of the United States

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RICKY DURHAM,

*Applicant,*

v.

RICHARD ADAMS,

*Respondent.*

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**APPLICATION FOR A SIXTY- DAY EXTENSION OF  
TIME IN WHICH TO FILE PETITION FOR A WRIT OF CERTIORARI**

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To the Honorable Brett M. Kavanaugh, Associate Justice of the United States Supreme Court, and Circuit Justice for the Eighth Circuit:

1. Pursuant to Supreme Court Rule 13.5, 22, and 30, Applicant Ricky Durham (“Durham”) respectfully requests a 60-day extension of time, up to and including January 31, 2025, to file a petition for a writ of certiorari to the Supreme Court of the United States, seeking review of the Missouri Supreme Court’s denial of habeas relief in *Durham v. Adams*, No. SC100678 (Mo). The Missouri Supreme Court denied habeas relief on September 3, 2024. A copy of the order is attached as Appendix A. The jurisdiction of this Court will be invoked under 28

U.S.C. § 1257, and the time to otherwise file a petition for certiorari will otherwise expire on December 2, 2024. This Application for Extension of Time is timely filed on October 18, 2024, more than ten days prior to the date on which the time for filing the petition is to expire.

2. This is applicant's first request for an extension of time to file a response. Good cause exists for the requested extension of the December 2, 2024, deadline, and a substantial amount of work remains to be done in order to submit an adequate petition for writ of certiorari.

a. Counsel was only recently retained in his matter and needs the additional time to prepare the petition.

b. Counsel has a number of scheduled hearings over the next two months in post-conviction cases that will take a up a substantial amount of his time. *See Estes v. State*, No. 23DU-CC00053 (Dunklin Co. Cir.) (evidentiary hearing scheduled for November 6, 2024); *Scherrer v. State*; No. 23SF-CC00232 (St. Francois Co. Cir.) (evidentiary hearing scheduled November 8, 2024); *McLaurie v. State*, No. 2011-CC00210 (St. Charles Co. Cir.) (evidentiary hearing scheduled for December 9, 2024). In addition, counsel also has deadlines for, among other things, appellate briefs during this time period. *See Rush v. State*, No. ED112554 (Mo. App. E.D.) (appellate brief due October 24, 2024); *Keathley*

*v. State*, No. SD38615 (Mo. App. S.D.) (appellate brief due November 11, 2024); and *Huskey v. State*, No. SD38387 (Mo. App. S.D.) (appellate brief due November 25, 2024).

c. An extension of time would better enable preparation of a petition that would be most helpful to the Court.

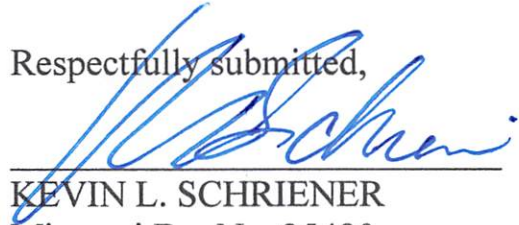
d. This request is made in good faith and for the reasons set forth above, and not for the purposes of delay.

e. Respondent does not object to this extension of time request. On October 18, 2024, counsel for applicant emailed counsel for respondent, Patrick Logan, Assistant Missouri Attorney General, to inform him of the request for an extension of time and requested that he advise whether respondent would oppose this motion. Counsel for applicant received an email back from Mr. Logan stating that respondent will not oppose applicant's request.

WHEREFORE, Applicant respectfully requests that an order be entered extending the time to file a petition for a writ of certiorari for 60 days, to and including January 31, 2025.

Dated: October 18, 2024

Respectfully submitted,



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*Counsel of Record for Applicant  
Ricky Durham*

## **CERTIFICATE OF SERVICE**

I hereby certify that on this 18th of October 2024, I electronically filed the foregoing with the Clerk of the Court for the United States Supreme Court. I further certify that on this day, I sent to this Court one original and two copies of the foregoing via First Class Mail. I further certify that, as required by Sup. Ct. R. 29(3), I served one copy of the foregoing via U.S. Mail and electronic mail upon:

Patrick Logan | Assistant Attorney General  
Missouri Attorney General's Office  
221 West High St.  
Jefferson City, MO 65101  
Phone: (573) 751-3321  
Patrick.Logan@ago.mo.gov

*Counsel for the Respondent*

APPENDIX A

In the Supreme Court of Missouri

September Session, 2024

State ex rel. Ricky Durham,

Petitioner,

No. SC100678      HABEAS CORPUS  
St. Francois County Circuit Court No. 23SF-CC00027  
Eastern District Court of Appeals No. ED112802

Richard Adams,

Respondent.

*Now at this day, on consideration of the petition for a writ of habeas corpus herein to the said respondent, it is ordered by the Court here that the said petition be, and the same is hereby denied.*

STATE OF MISSOURI-Sct.

*I, BETSY LEDGERWOOD, Clerk of the Supreme Court of the State of Missouri, certify that the foregoing is a full, true and complete transcript of the judgment of said Supreme Court, entered of record at the September Session thereof, 2024, and on the 3<sup>rd</sup> day of September, 2024, in the above-entitled cause.*

*WITNESS my hand and the Seal of the Supreme Court of Missouri, at my office in the City of Jefferson, this 3<sup>rd</sup> day of September, 2024.*

 \_\_\_\_\_, Clerk

 \_\_\_\_\_, Deputy Clerk



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Supreme Court of Missouri

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vs.

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**MANDATE**

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**JUDGMENT**

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