

No. 24-_____

IN THE
Supreme Court of the United States

STACEY IAN HUMPHREYS,

Petitioner,

v.

SHAWN EMMONS, Warden,
Georgia Diagnostic and Classification Prison,

Respondent.

**APPLICATION FOR AN EXTENSION OF TIME
TO FILE PETITION FOR WRIT OF CERTIORARI
TO THE UNITED STATES COURT OF APPEALS
FOR THE ELEVENTH CIRCUIT**

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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:

The Petitioner, Stacey Ian Humphreys, through undersigned counsel and pursuant to 28 U.S.C. § 2101(c) and Supreme Court Rules 13.5 and 30.2, respectfully requests an extension of sixty (60) days to file his Petition for Writ of Certiorari in this Court. The decision he seeks

to have reviewed is that of the United States Court of Appeals for the Eleventh Circuit entered on June 11, 2024 (*see* Attachment A) and for which his Petitions for Panel Rehearing and Rehearing En Banc were denied on October 3, 2024 (*see* Attachment B). The time to file a Writ of Certiorari in this Court expires January 2, 2025, greater than ten (10) days from today's date. Mr. Humphreys invokes the jurisdiction of this Court pursuant to 28 U.S.C. § 1254.

Petitioner shows the following good cause in support of this request (*see* 28 U.S.C. § 2101 (c) and Supreme Court Rules 13.3 and 30.2):

1. Mr. Humphreys is a death-sentenced prisoner in the custody of Respondent Warden Emmons. A panel of the Eleventh Circuit Court of Appeals affirmed the denial of relief by the United States District Court for the Northern District of Georgia. *See* Attachment A, *Humphreys v. Warden, Georgia Diagnostic and Classification Prison*, 2024 WL 2945070 (unpublished).

2. Petitioner is compelled to request an extension of time in which to file this Petition for good cause. First, an extension of time is necessary in light of Petitioner's change of counsel. S. Jill Benton, Petitioner's longtime lead counsel, left fulltime employment at the Federal Defender Program, Inc. in January 2024 and now serves as a limited-term faculty member at the University of Georgia School of Law. Kelyn J. Smith joined the Federal Defender Program in May 2024, and was assigned to fill Ms. Benton's role in this case as of June 2024. Given the voluminous, nearly two-decade history of this case, additional time will assist Mr. Smith's preparation of Petitioner's Writ of Certiorari.

Additional time will also help counsel familiarize himself with the Court's rules and procedures.

3. Second, pro bono counsel Lindsey Mann had significant conflicts from October through December 2024, including out-of-state travel for other matters and in-court appearances. Given these conflicts and the forthcoming holidays, additional time will allow Ms. Mann to assist Mr. Smith in preparing Petitioner's Writ of Certiorari.

4. Finally, the Eleventh Circuit improperly applied the Antiterrorism and Effective Death Penalty Act of 1996 (AEDPA) to the legal question of whether there is sufficient cause and prejudice to overcome the default of Mr. Humphreys's claim that his death sentence was the result of unequivocal juror misconduct. Whether the AEDPA has any application in the default context is a question that has split the circuits. *Compare, e.g., Visciotti v. Martel*, 862 F.3d 749, 768–69 (9th Cir. 2016) (noting the disagreement among circuits and deciding to review the ineffective-assistance claim within the procedural default context *de novo*), *with Richardson v. Lemke*, 745 F.3d 258, 273 (7th Cir. 2014) (“In our circuit, when we review a state court's resolution of an ineffective assistance claim in the cause-and-prejudice context, we apply the same deferential standard [of § 2254 (d)] as we would when reviewing the claim on its own merits.”). And as Judge Rosenbaum wrote below, the shocking juror misconduct here “actually prejudice[d]” Mr. Humphreys. *Humphreys*, 2024 WL 2945070 at *72 (Rosenbaum, J., concurring) (alteration in original) (citing *Brecht v Abrahamson*, 507 U.S. 619, 637 (1993)). Accordingly, Petitioner's counsel require time to consult with expert Supreme Court and appellate

practitioners to hone the issues for presentation to the Court.

5. A Petition for Writ of Certiorari is essential, and the modest extension of time requested is necessary to properly winnow the issues for the Court's consideration in exercise of Petitioner's constitutional rights.

CONCLUSION

Mr. Humphreys respectfully asks this Court to extend the deadline to file the Petition for Writ of Certiorari by sixty (60) days, up to and including March 3, 2025.

Respectfully Submitted,

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