

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

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IN THE  
**Supreme Court of the United States**

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DANNY LEE JONES,  
*Petitioner,*

vs.

RYAN THORNELL, DIRECTOR, ARIZONA DEPARTMENT OF CORRECTIONS,  
REHABILITATION & REENTRY,  
*Respondent.*

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

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**\*\* CAPITAL CASE \*\***

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

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TO THE HONORABLE ELENA KAGAN, CIRCUIT JUSTICE FOR THE  
NINTH CIRCUIT:

Pursuant to Supreme Court Rules 13.5, 22, and 30, Petitioner Danny L. Jones respectfully requests a sixty (60) day extension of time in which to file his Petition for Writ of Certiorari. The current due date is March 10, 2025. The requested extension would make the Petition due on May 9, 2025. Respondent's counsel, Assistant

Arizona Attorney General Jason Lewis, has informed undersigned counsel that he has no objection to this requested 60-day extension.

Pursuant to the Court’s jurisdiction under 28 U.S.C. § 1254(1), Mr. Jones will petition for certiorari to have the Court review the opinion of the United States Court of Appeals for the Ninth Circuit of July 24, 2024, (App. 1) which affirmed the district court’s judgment denying his first petition for writ of habeas corpus, and the order of November 20, 2024, (App. 2) which denied Mr. Jones’s Petition for Rehearing that challenged the court’s affirmance of the denial of the writ of habeas corpus as to his conviction and death sentence. Mr. Jones argued below that the Ninth Circuit, by its own admission, failed to address claims, which were certified for appeal and/or before the lower court. *Jones v. Ryan*, 52 F.4th 1104, 1137 (9th Cir. 2022) (“Because we have determined that Jones is entitled to relief and resentencing on the basis of Claims 1 and 2, . . . we need not reach the merits of any of Jones’s other claims”), *rev’d sub nom. Thornell v. Jones*, 602 U.S. 154 (2024).

### **REASONS FOR THE REQUESTED EXTENSION OF TIME**

This Court reversed the Ninth Circuit’s panel grant of relief to Mr. Jones on two claims of ineffective-assistance-of-counsel. *See Jones*, 602 U.S. 154. On remand from this Court, the Ninth Circuit affirmed the district court judgment “[p]ursuant to the Supreme Court’s opinion” in *Jones*. (App 1. at 3.) Mr. Jones filed a timely petition for rehearing in the lower court requesting to address the appellate claims that were not before this Court or disposed of by the decision in *Jones*, and to permit

him to brief the impact of *Jones* on those remaining claims. Those claims include penalty phase ineffective-assistance-of-counsel claims, where Mr. Jones argued that *Strickland*'s prejudice analysis required the lower court to assess the cumulative effect of all trial counsel's deficiencies on the fundamental fairness of his capital sentencing proceeding and death sentence, and claims surrounding the state court's failure to give effect to mitigating evidence and the failure to grant a continuance. (App 3.) The lower court denied Mr. Jones's request for rehearing. (App 2.)

Mr. Jones intends to petition this Court for certiorari review of the Ninth Circuit's panel remand decision and order. As stated above, this Court's decision in *Jones* only addressed two ineffective-assistance-of-counsel claims and did not reach Mr. Jones's remaining ineffective-assistance-of-counsel claims. Nor did this Court address whether *Strickland* requires a cumulative assessment of prejudice—a question that has created a split among the circuits. *See Scott v. Jones*, 915 F.2d 1188, 1191 (8th Cir.1990) (“cumulative error does not call for habeas relief, as each habeas claim must stand or fall on its own”); *State v. Woodel*, 145 So. 3d 782, 786 (Fla. 2014) (stating the cumulative effect of evidentiary errors and allegations of ineffective assistance of trial counsel will be considered together.)

The additional time requested for the preparation of the petition for writ of certiorari is necessary for the following reasons:

Co-counsel Leticia Marquez is lead or co-counsel in eight other capital cases at various stages of appeal. Ms. Marquez completed post-conviction briefing in a capital

case in Arizona state court on February 12, 2025, and is currently preparing for an *Atkins*<sup>1</sup> hearing in Utah state court. In addition to her capital habeas caseload, Ms. Marquez is also working on two potential death cases in the trial unit, which are under additional review by the new administration.

Ms. Marquez is also a supervisor with the District of Arizona's Capital Habeas Unit, and head of the Tucson Arizona Branch, Federal Public Defender's Office (both trial and capital units). Ms. Marquez's administrative duties in this capacity, including case-related and administrative travel, have impacted her schedule.

Co-counsel Amanda Bass Castro Alves has likewise had competing work obligations that have prevented her from devoting sufficient attention to preparing Mr. Jones's forthcoming petition for a writ of certiorari. As lead counsel for an Oklahoma death row prisoner facing a warrant of execution in the next month, Ms. Bass Castro Alves has been preparing his case for clemency, conducting out-of-state investigation requiring travel in the months of December 2024 and January 2025, and spearheading end-stage litigation in his case, including filing: A Motion to Supplement the Appendix to Subsequent Application for Postconviction relief (Jan. 13, 2025); a recusal motion (Jan. 15, 2025); a Motion for Leave to Reply in Support of Subsequent Application for Postconviction Relief and Requests for Evidentiary Development (Feb. 14, 2025); a Reply in Support of Subsequent Application for

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<sup>1</sup> *Atkins v. Virginia*, 536 U.S. 304 (2002) (the execution of someone with intellectual disabilities violates the Eighth Amendment.)

Postconviction Relief (Feb. 21, 2025); a Reply in Support of Motion for Discovery (Feb. 21, 2025); and a Reply in Support of Motion for Evidentiary Development (Feb. 21, 2025). In addition, Ms. Bass Castro Alves is also a supervisor in the District of Arizona's Capital Habeas Unit, and those responsibilities have also required her time and attention in the last several months.

Mr. Jones's counsel are attempting to manage their pending cases consistently with their duties under the Sixth Amendment to the United States Constitution and the ABA Guidelines for the Appointment and Performance of Counsel in Death Penalty Cases (1989) and (2003). Although counsel have acted diligently to fulfill their obligations to their client and this Court, due to the above stated caseloads and obligations, they have a substantial need for the requested extension.

### **CONCLUSION**

Based on these facts, Petitioner requests a sixty (60) day extension of time to file his petition for writ of certiorari in this case. Counsel for the Respondent, Jason Lewis does not oppose this request. Wherefore, Petitioner respectfully requests that an order be entered extending his time to petition for certiorari to and including May 9, 2025. Undersigned counsel has no dilatory purpose in extending the due date to file the petition for writ of certiorari. The time is necessary to adequately represent Mr. Jones before the Court.

Respectfully submitted: February 25, 2025.

JON M. SANDS

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