

No. 24-_____

**In the
Supreme Court of the United States**

RANDAL M. HALL,

Petitioner,

versus

TRAVIS TROCHESSETT; CITY OF LEAGUE CITY, TEXAS,

Respondents.

Application for Extension of Time Within Which to File a
Petition for a Writ of Certiorari to the United States
Court of Appeals for the Fifth Circuit

APPLICATION TO THE HONORABLE
JUSTICE SAMUEL ALITO AS CIRCUIT JUDGE
FOR THE FIFTH CIRCUIT

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APPLICATION FOR EXTENSION OF TIME

Pursuant to Rule 13.5 of the Rules of this Court, Applicant Randal Hall hereby requests a 60-day extension of time from the original deadline within which to file a petition for a writ of certiorari up to and including Friday, January 17th, 2025.

JUDGMENT FOR WHICH REVIEW IS SOUGHT

The judgment for which review is sought is *Hall v. Trochessett*, 105 F.4th 335 (5th Cir. 2024) (Exh. 1). The order denying rehearing is attached (Exh. 2), as is the district court decision (Exh. 3).

JURISDICTION

This Court will have jurisdiction over any timely filed petition for certiorari in this case pursuant to 28 U.S.C. § 1254. Under Rules 13.1, 13.3, and 30.1 of the Rules of this Court, a petition for a writ of certiorari is due to be filed on or before November 18th, 2024. Granting this application would allow Petitioner to file a timely petition on or before January 17th, 2025.

REASONS JUSTIFYING THE EXTENSION

Applicant respectfully requests a 60-day extension of time within which to file a petition for a writ of certiorari seeking review of the decision of the Fifth Circuit Court of Appeals in this case, up to and including January 17th, 2025. This is Applicant's first and only such request.

The underlying case at issue involves Randal Hall, who was arrested for interference for public duties as a result of a brief phone conversation with his wife Rachael and Respondent Officer Trochessett. Randal was 90 miles away from Rachael and Officer Trochessett, and his conversation with them that night ended by advising his wife to not provide Officer Trochessett with certain information *that night* due to privacy concerns (by Trochessett’s own admission, he already had most or all of the information he requested from Rachael, including her driver’s license), but wanted to make an alternative arrangement for her to bring the information to the station on a later date. Officer Trochessett did not have a warrant for the information he requested, and it is undisputed that Rachael herself was not guilty of interference, and that she had a legal right to refuse to provide Trochessett the requested information that night.

Until this case, the Fifth Circuit consistently “held that merely arguing with police officers . . . falls within the speech exception to section 38.15 and thus does not constitute probable cause to arrest someone for interference.” *Voss v. Goode*, 954 F.3d 234, 239 (5th Cir. 2020) (cleaned up) (emphasis added) (citing *Westfall v. Luna*, 903 F.3d 534, 544 (5th Cir. 2018); *Freeman v. Gore*, 483 F.3d 404, 414 (5th Cir. 2007)). That understanding is reflective of Texas state courts’ understanding of Texas law, which notes that “a verbal interference with a public servant or officer could be defended on grounds of the First Amendment to the United States Constitution.” *Carney v. State*, 31 S. W. 3d 392, 396, 398 (Tex.App.—Austin 2000,

no pet.) (citing *Houston v. Hill*, 482 U.S. 451 (1987)). And as Petitioner will show in his Petition for Writ of Certiorari, this understanding is also reflective of the federal Circuit Courts of Appeals' analysis of similar statutes.

Thus, the Fifth Circuit's published opinion in this case that because the "speech-only' defense is a defense to prosecution under Texas criminal law . . . [it] is of no consequence to the argument that probable cause is lacking. A defense that may be raised in future proceedings does not vitiate probable cause at the time of arrest," *Hall v. Trochessett*, 105 F.4th 335, 342 (5th Cir. 2024), represents a serious conflict with the Circuit Courts' and Texas state courts' previous consensus on this issue.

Given the complexity and importance of the legal issues at hand, an extension of time will allow counsel to properly analyze the reasoning for the divergent decisions in various courts and thereby present a thorough and coherent petition.

The extension of time is also necessary because of other pressing client business. Petitioner's counsel are also managing past and upcoming deadlines and other litigation activities in numerous cases, including:

Petitioner's counsel have been in the midst of 3 trials: *Pearce v. Doe FBI Agent*, S.D. Tex. No. 4:18-cv-3196 (from October 17th through the 21st), *Gorsky v. Harris County*, S.D. Tex. No. 4:16-cv-2877 (from October 21st through the 25th), and *Soto v. City of McAllen*, S.D. Tex. No. 7:18-cv-151 (final pretrial conference was November 7th, and trial setting was moved from November 18th to December

3rd). Counsel are also in the midst of drafting a Principal Brief for the Fifth Circuit in *Coones v. Cogburn*, No. 24-10777, anticipate drafting another Petition for Writ of Certiorari in early December, as well as other time-sensitive litigation documents in several cases in the District Courts, and have been preparing for and participating in various mediations, depositions, and other litigation activities.

CONCLUSION

For the foregoing reasons, Applicant respectfully requests that this Court grant an extension of 60 days from the original deadline, up to and including January 17th, 2025, within which to file a petition for a writ of certiorari in this case.

Respectfully submitted,

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November 8th, 2024