

NO. \_\_\_\_\_

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IN THE  
SUPREME COURT OF THE UNITED STATES

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Reginald K. Clark,

*Petitioner,*

v.

The State of Colorado,

*Respondent.*

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On Petition for Writ of Certiorari to the  
Colorado Supreme Court

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

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

Petitioner Reginald K. Clark, by undersigned counsel, respectfully requests a 60-day extension of time, to and including Thursday, January 16, 2025 within which to file a petition for a writ of certiorari. In support, counsel states:

1. On July 1, 2024, a majority of the Colorado Supreme Court affirmed the judgment of the Colorado Court of Appeals, which affirmed Mr. Clark's convictions. See attached.

2. On July 29, 2024, Mr. Clark filed a petition for rehearing to the Colorado Supreme Court. The court issued an order (also attached) denying Mr. Clark’s petition for rehearing on August 19, 2024.

3. Mr. Clark has ninety days to file a petition for a writ of certiorari from the date of the denial of rehearing. Sup. Ct. R. 13.3. The petition is therefore due on November 17, 2024. This application is being filed at least ten days before that date.

4. The jurisdiction of this Court is invoked under 28 U.S.C. § 1257(a).

5. This case involves an issue of great public importance—the tolerance of racial bias during jury selection. Mr. Clark, a Black man, was charged with assaulting a white victim in a mountainous Colorado county that is almost entirely white. During voir dire, a prospective juror openly and honestly expressed racial bias against Mr. Clark. Apologizing for his views, the juror volunteered that he had moved to that mountainous county to get away from non-whites. The trial court denied Mr. Clark’s challenge for cause. On appeal, the parties agreed the trial court had erred. The Colorado Court of Appeals and the Colorado Supreme Court issued divided opinions on whether the erroneous denial of a causal challenge to a juror who expresses racial bias against the defendant is structural error and violates the constitutional rights to a fair trial by an impartial jury and the guarantee of equal protection.

6. As this Court has stated, racial bias is “a familiar and recurring evil that, if left unaddressed, would risk systemic injury to the administration of justice.” *Peña-Rodriguez v. Colorado*, 580 U.S. 206, 224 (2017). Time and again this Court has

explained why “blatant racial prejudice is antithetical to the functioning of the jury system and must be confronted.” *Id.* at 229. “The jury acts as a vital check against the wrongful exercise of power by the State and its prosecutors,” and “[t]he intrusion of racial discrimination into the jury selection process damages both the fact and the perception of this guarantee.” *Powers v. Ohio*, 499 U.S. 400, 411 (1991). “[A] defendant has the right to an impartial jury that can view him without racial animus, which so long has distorted our system of criminal justice.” *Georgia v. McCollum*, 505 U.S. 42, 58 (1992). And “[n]o surer way could be devised to bring the processes of justice into disrepute” than “to permit it to be thought that persons entertaining a disqualifying prejudice were allowed to serve as jurors.” *Aldridge v. United States*, 283 U.S. 308, 315 (1931).

7. Since the denial of the petition for rehearing, undersigned counsel has been busily engaged in numerous matters representing indigent defendants in Colorado’s appellate courts. Counsel has been working on several matters that are due with no further extensions of time allowed: the opening brief in *People v. Slusher*, Case No. 23CA1161 (anticipated due date December 6); reply briefs in *People v. Britton*, Case No. 19CA1934 (due November 12), and *People v. Teague*, Case No. 21CA1759 (due December 9); and the petition for writ of certiorari in *Plotner v. People*, Case No. 24SC594 (due November 14). On October 22, 2024, counsel had oral argument in the Colorado Supreme Court in *McDonald v. People*, Case No. 23SC381. Additionally, counsel has been working on the opening briefs in *People v. Torres*, Case No. 23CA1412 (due November 6 at 365 days of extension), *People v. Garza*, Case No.

23CA1757 (due January 22, 2025 at 365 days of extension); the petition for rehearing in *People v. Tarr II*, Case No. 18CA485 (due November 7); and petitions for writ of certiorari in *Crumpler v. People*, Case No. 22CA1022 (due December 19), and *Pope v. People*, Case No. 21CA963 (due December 28).

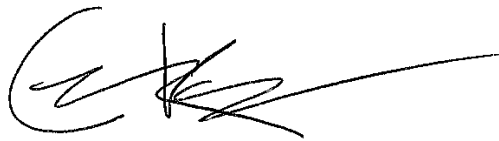
8. Counsel respectfully requests a 60-day extension of time to file the petition for writ of certiorari. The extension of time will allow counsel to present the constitutional issues raised by the Colorado Supreme Court's decision in Mr. Clark's case, to research how the issue presented has been resolved in other lower courts, to engage specialized counsel (if necessary), to adequately prepare the petition for writ of certiorari for filing, and to communicate with Mr. Clark, who is incarcerated.

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For these reasons, Petitioner Reginald K. Clark respectfully requests that an order be entered extending the time in which to file a petition for a writ of certiorari by 60 days, to and including Thursday, January 16, 2025. *See* Sup. Ct. R. 13.5.

Respectfully submitted,

MEGAN A. RING  
Colorado State Public Defender



CASEY MARK KLEKAS  
Deputy State Public Defender  
*Counsel of Record for Petitioner*  
1300 Broadway, Suite 300  
Denver, Colorado 80203  
(303) 764-1400 ext. 6532  
casey.klekas@coloradodefenders.us