

IN THE
Supreme Court of the United States

-----◆-----
TROY THOMAS YORK,

Petitioner/Applicant

v.

STATE OF ARIZONA
and
RACHEL MITCHELL, Maricopa County Attorney,

Respondents.
-----◆-----

**RULE 13 APPLICATION
FOR EXTENSION OF TIME TO FILE
PETITION FOR CERTIORARI**

-----◆-----
**TO THE HONORABLE JUSTICE
ELENA KAGAN AS CIRCUIT JUSTICE**
-----◆-----

Angela Poliquin*
Kevin R. Myer*
GRAND CANYON LAW GROUP LLC
1930 East Brown Road, Suite 102
Mesa, Arizona 85203-5138
Telephone: 480.400.5555
Facsimile: 888.507.3031
courts@grandcanyon.law
Email: angela@grandcanyon.law
Email: kevin@grandcanyon.law

Attorneys for Petitioner/Applicant

*Counsel of Record

Friday, July 12, 2024

To the Honorable Elena Kagan, as Associate Justice of The United States Supreme Court and Circuit Justice for the United States Court of Appeals for the Ninth Circuit:

APPLICATION FOR AN EXTENSION OF TIME

Pursuant to this Court’s Rules 13.5, 22, 30.2, and 30.3, as well as 28 U.S.C. §2101(c), Applicant hereby requests a 61-day extension of time within which to file a petition for a writ of certiorari, up to and including Monday, September 30, 2024. Counsel for the State does not object [correspondence attached as Exhibit E].

JUDGMENT FOR WHICH REVIEW IS SOUGHT

The judgments for which review is sought are *State of Arizona v. Troy Thomas York*, Arizona Court of Appeals Division One No. 1 CA-CR 23-0358 PRPC (Nov. 28, 2023) [attached as Exhibit A]; Maricopa County Superior Court No. CR2018-115104-001 DT (April 3, 2023) [attached as Exhibit B]. The Supreme Court of the State of Arizona denied Applicant’s petition for review on May 2, 2024. [See *State of Arizona v. Troy Thomas York*, No. CR-23-0327-PR (attached as Exhibit C.)] Review is also sought for *State of Arizona v. Troy Thomas York*, Arizona Court of Appeals No. 1 CA-CR 20-0161 (Feb. 24, 2021) [attached as Exhibit D.]

JURISDICTION

This Court will have jurisdiction over any timely filed petition for certiorari in this case pursuant to 28 U.S.C. § 1257.¹ Based on the May 2, 2024 Arizona Supreme Court’s ruling, under Rules 13.1, 13.3, and 30.1 of the Rules of this Court, a petition for a writ of certiorari was due to be filed on or before Monday, July 31, 2024.

In accordance with Rule 13.5, this application has been filed more than 10 days in advance of the filing date for the petition for a writ of certiorari.

REASONS JUSTIFYING THE EXTENSION

This case presents issues of importance to criminal prosecutions nationwide. The Petition will present both legal and procedural issues involving a defendant’s federal and state constitutional rights — the right to effective assistance of trial counsel, the due process right to a fair trial free of prosecutorial misconduct, and the due process right to have the state prove every element of each offense beyond a reasonable doubt, and the right to a jury finding of aggravating circumstances. See U.S. CONST., ART. V, VI, XIV; *Blakely v. Washington*, 542 U.S. 296 (2004).

¹ See, e.g., *Wearry v. Cain*, 577 U.S. 385, 395-96 (2016) (“This Court, of course, has jurisdiction over the final judgments of state postconviction courts, see 28 U.S.C. § 1257(a), and exercises that jurisdiction in appropriate circumstances.”); *Gonzalez v. Thaler*, 565 U.S. 134, 154 (2012) (“We can review ... judgments of a ‘state court of last resort’ or of a lower state court if the ‘state court of last resort’ has denied discretionary review.”).

The extension is required due to the press of business on counsel's numerous other matters. Counsel of record's substantial commitments during the relevant time period include:

- An appeal due July 24, 2024 to the Arizona Court of Appeals in *State of Arizona v. Ronniejames Martinez*, No. 1 CA-CR 24-0100;
- A petition for post-conviction relief due July 15, 2024 to the Maricopa County Superior Court in *State of Arizona v. Agustin Navarro*, No. CR2018-122824-001;
- A reply to an oversized response to a petition for post-conviction relief July 15, 2024 to the Maricopa County Superior Court in *State of Arizona v. Jackson Osborne*, CR2016-150099-001;
- A petition for post-conviction relief due July 15, 2024 to the Maricopa County Superior Court in *State of Arizona v. Michael Vigorito*, CR2019-005050-001;
- A petition for post-conviction relief due July 17, 2024 to the Pima County Superior Court in *State of Arizona v. Fernando Ruiz*, CR20191795-001;
- A petition for review due July 22, 2024 to the Arizona Supreme Court in *State of Arizona v. John Joseph Martinez*, Ariz. Sup. Ct. CR-24-0127-PR;
- A petition for post-conviction relief due July 27, 2024 to the Pinal County Superior Court in *State of Arizona v. Charles Beeler*, CR201701068;
- An appeal due August 5, 2024 to the Gila County Superior Court in *State of Arizona v. Jean Higley*, J-0404-TR-2022000110;
- A petition for post-conviction relief due July 25, 2024 to the Yavapai County Superior Court in *State of Arizona v. Douglas Gilbert*, V2300CR201880062, which cannot be further delayed; and
- A reply to a petition for post-conviction relief due July 19, 2024 in *State of Arizona v. Rodney Dalton*, Yavapai County Superior Court, P1300CR201801024.

Both this Court and Applicant deserve the best possible effort in presenting these important arguments, and counsel's existing commitments will prevent the full development and presentation of these issues. The proposed extension will permit the best possible presentation to this Court.

Furthermore, an extension will not cause prejudice to Respondents, as this Court, if it accepts review, would not likely hear oral argument and issue its opinion until the October 2024 Term, regardless whether an extension is granted.

CONCLUSION

For the foregoing reasons, Applicant respectfully requests that this Court grant an extension of sixty-one (61) days, up to and including Monday, September 30, 2024, within which to file a petition for a writ of certiorari in this case.

RESPECTFULLY SUBMITTED this 12th of July, 2024.

GRAND CANYON LAW GROUP LLC

/s/ Angela Poliquin
Angela Poliquin
Kevin R. Myer
1930 East Brown Road, Suite 102
Mesa, Arizona 85203-5138
Attorneys for Petitioner

SERVICE

A copy of this Application was served by email and U.S. mail to the counsel listed below in accordance with Supreme Court Rule 22.2 and 29.3:

Douglas Gerlach
Deputy County Attorney
RACHEL H. MITCHELL
MARICOPA COUNTY ATTORNEY
225 W Madison St, 3rd Floor
Phoenix, AZ 85003
Appeals@mcao.maricopa.gov

Attorneys for Respondents

12th of July, 2024.

/s/ Angela Poliquin
Angela Poliquin
1930 East Brown Road, Suite 102
Mesa, Arizona 85203-5138