

No. 24A _____
(CAPITAL CASE)

IN THE
Supreme Court of the United States

CHRISTOPHER JOHN SPREITZ, APPLICANT,

v.

STATE OF ARIZONA, RESPONDENT.

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

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Februrary 26, 2025

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APPLICATION

To the Honorable Elena Kagan, Associate Justice of the Supreme Court of the United States and Circuit Justice for the Arizona Supreme Court:

Pursuant to Rule 13.5 of the Rules of this Court and 28 U.S.C. § 2101(c), applicant Christopher John Spreitz respectfully requests a 30-day extension of time, to and including Friday, June 6, 2025, within which to file a petition for a writ of certiorari to review the judgment of the Arizona Supreme Court in this case.

1. The Arizona Supreme Court issued its decision on January 6, 2025 in a published case. *See State of Arizona v. Christopher John Spreitz*, 561 P.3d 393 (Ariz. 2025) (Appendix A). Mr. Spreitz filed a motion for reconsideration, which was denied on February 6, 2025. *See Order, State of Arizona v. Christopher John Spreitz*, No. CR-94-0454-AP (Ariz. Feb. 6, 2025) (Appendix B). Unless extended, the time to file a petition for certiorari will expire on May 7, 2025. This application is being filed more than ten days before the petition is currently due and is supported by good cause, as set forth below. *See* Sup. Ct. R. 13.5. The jurisdiction of this Court would be invoked under 28 U.S.C. § 1257(a).

2. This case presents important questions of federal law: (1) whether a state can, consistent with the Eighth and Fourteenth Amendments, apply a rule categorically assigning *de minimis* probative value to relevant mitigating evidence because it lacks a causal nexus to the offense; and (2) whether, in conducting de novo individualized sentencing review to correct an *Eddings* error committed at trial or on

direct appeal, a state can refuse to consider relevant mitigation evidence in the record simply because it was developed and presented in post-conviction proceedings rather than in the original trial.

3. Mr. Spreitz was convicted of first degree murder in 1994, and the trial judge sentenced him to death. App. 3a. After his state-court proceedings concluded, the federal courts granted his habeas corpus petition as to his sentence. It did so on the grounds that the Arizona Supreme Court, in its review of his death sentence, unconstitutionally “requir[ed] that Spreitz establish a causal connection between his longstanding substance abuse and the murder before considering and weighing the evidence as a non-statutory mitigating factor.” App. 5a (cleaned up) (quoting *Spreitz v. Ryan*, 916 F.3d 1262, 1273 (9th Cir. 2019)).

4. Thereafter, the State moved the Arizona Supreme Court to “conduct a new independent review” of his sentence. App. 3a. In conducting this inquiry into whether Mr. Spreitz’s sentence was appropriate, the court declined to “consider evidence developed after the original [trial court] proceedings as part of [its] independent review.” App. 6a (quoting *State v. Poyson*, 475 P.3d 293, 297 (Ariz. 2020)). The court thus reviewed the evidence of aggravating and mitigating circumstances presented at Mr. Spreitz’s trial.

5. As part of that review, it considered eight mitigating factors:

- (1) [A]ge at the time of the murder;
- (2) impaired capacity to appreciate the wrongfulness of his conduct;
- (3) history of alcohol and drug abuse;
- (4) dysfunctional family life and lack of socialization;
- (5)

expressions of remorse; (6) lack of adult convictions; (7) no prior record of violent tendencies; and (8) record while incarcerated.

App. 9a (internal citations omitted). Before addressing these categories, the Arizona Supreme Court made two clarifications. First, it noted that it was conducting the review because it had erred in requiring any proffered mitigation to have a “causal nexus to the underlying murder” when it conducted its required review during the direct appeal in 1997. App. 9a (cleaned up) (quoting *State v. McKinney*, 426 P.3d 1204, 1206 (Ariz. 2018)). Second, it explained that in reviewing the weight of the proffered mitigating evidence now, it would consider whether there was a causal nexus to the crime: “When assessing the weight and quality of a mitigating factor we take into account how the mitigating factor relates to the commission of the offense.” App. 9a (quoting *State v. Hedlund*, 431 P.3d 181, 185 (Ariz. 2018)).

6. Consistent with the second clarification, the court below then proceeded to repeatedly discount the weight of proffered mitigating evidence in light of its lack of causal nexus to the commission of the offense, not because it found the evidence to lack value in this particular case, but in reliance on its own precedent for how such evidence is to be treated. It did so with regards to age. App. 10a. And again regarding alcohol and drug abuse. App. 16a. And again regarding Spreitz’s dysfunctional family life and lack of socialization in childhood. App. 17a. And again regarding his “personal fragmentation/disorganized thought process.” App. 22a. Most of its own precedents the Arizona Supreme Court cited in assigning no significant weight to these factors predated the Ninth Circuit’s holding (which had provided the basis for Mr. Spreitz’s

federal habeas relief) that Arizona had, for years, unconstitutionally imposed a “causal nexus” requirement for proffered mitigation. App. 10a–22a; *see also McKinney v. Ryan*, 813 F.3d 798, 802 (9th Cir. 2015).

7. Undersigned counsel has recently been appointed to represent Mr. Spreitz in proceedings before this Court, including filing a petition for a writ of certiorari. Our office was not involved in the proceedings below. We must therefore now familiarize ourselves with the proceedings, including the record and arguments presented to and relied upon by the Arizona Supreme Court.

Undersigned counsel, Mr. Mills has multiple competing obligations in capital cases that make it impossible to competently complete the petition in the given timeframe. In capital cases, Mr. Mills is responsible for the preparation of an initial petition in two separate state-court capital matters, an undertaking that consumes most of his time. He also has primary responsibility for directing the litigation of many more other capital cases in various postures in the state and federal courts. Among those, he is lead counsel in *Andrew v. White*, No. 23-6573 (U.S.) and this week received a scheduling order for briefing in light of this Court’s recent decision due on March 10, 2025. *Andrew v. White*, 604 U.S. ___, 145 S. Ct. 75 (2025) (per curiam). He also has due on February 28 a Petition for Review in a state-court capital case. In non-capital cases, he has briefing due at the Ninth Circuit

Ms. Knight is similarly responsible for multiple capital post-conviction cases. One has a reply brief on the first state habeas proceeding due March 31. Another,

which was remanded by this Court in 2023 for further consideration in light of *Cruz v. Arizona*, 598 U.S. 17 (2023) (No. 21-847), will have a brief due in mid-April. Two others have deadlines for critical amendments in March and May, respectively.

Accordingly, applicant respectfully requests that an order be entered extending the time to file a petition for certiorari to and including June 6, 2025.

Respectfully submitted,

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February 26, 2025

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