

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

IN THE  
SUPREME COURT OF THE UNITED STATES

JOHN R. MOORE, JR. and  
TANNER J. MANSELL,

*Petitioners,*

v.

UNITED STATES OF AMERICA,

*Respondent.*

---

**APPLICATION FOR EXTENSION OF TIME TO FILE A PETITION FOR A  
WRIT OF CERTIORARI FROM A JUDGMENT OF THE UNITED STATES  
COURT OF APPEALS FOR THE ELEVENTH CIRCUIT**

---

**TO THE HON. CLARENCE THOMAS, ASSOCIATE JUSTICE OF THE  
UNITED STATES SUPREME COURT AND CIRCUIT JUSTICE FOR THE  
UNITED STATES COURT OF APPEALS FOR THE ELEVENTH CIRCUIT**

---

Pursuant to Rules 13.5, 22, and 30 of this Court, petitioners John R. Moore, Jr. and Tanner J. Mansell respectfully request a 30-day extension of time, up to and including May 23, 2025, within which to file a petition for a writ of certiorari from a judgment of the U.S. Court of Appeals for the Eleventh Circuit.

Petitioners have not previously sought an extension of time from this Court. Petitioners are filing this Application at least ten days before the current deadline, which is April 23, 2025. *See* Sup. Ct. R. 13.5. The jurisdiction of this Court will be invoked under 28 U.S.C. § 1254(1).

Petitioners were two shark-diving instructors in Jupiter, Florida. Upon returning from a successful outing one day, they discovered a fishing line attached to a buoy in the middle of the ocean. Attached to the line were dying sharks and other marine life. Believing that this line was an illegal shark-killing operation, they and their passengers spent the next few hours pulling in the line and cutting off the hooks and sharks caught on them. During that time, they were repeatedly in contact with law enforcement. As it turned out, the fishing line had received a rare NOAA permit. But there were no official markings alerting anyone to this. Rather than simply have petitioners pay for the \$3,000 in property damage caused by their good-faith mistake, the government charged them with one count of taking property, “with intent to steal or purloin,” in the special maritime jurisdiction of the United States, in violation of 18 U.S.C. § 661. This is a felony larceny offense carrying up to five years in prison.

With great reluctance, a jury found petitioners guilty. The reason for that unjust outcome is that the district court instructed the jury that petitioners had the requisite “intent to steal or purloin” as long as they knowingly deprived someone else of their property. The court rejected petitioners request to instruct the jury that the government also had to prove that they took the property for the use or benefit of themselves or anyone else. Petitioners reiterated that argument on appeal, but the Eleventh Circuit rejected it in a published opinion, declining to apply this Court’s precedent narrowly interpreting the reach of federal criminal statutes. Judge Lagoa, joined by Judge Grant, issued a remarkable concurring opinion forcefully criticizing

the government's decision to charge petitioners and calling out the federal prosecutor by name. Although petitioners were sentenced to one year of probation, they had no prior criminal records. As a result of this case, they are now branded convicted felons.

Undersigned counsel will not have sufficient time to prepare and file the certiorari petition by the current deadline due to the press of other business, including pending appeals in both the Eleventh Circuit (*e.g.*, *United States v. Brian Bocage*, 11th Cir. No. 24-12275, *United States v. Ott*, 11th Cir. No. 24-13812, *United States v. Bruno*, 11th Cir. No. 22-13277, *United States v. Schmitz*, 11th Cir. No. 24-11157, and *United States v. Spearman*, 11th Cir. No. 24-10300), and in this Court (*e.g.*, *Bowe v. United States*, U.S. No. 24-5438 (cert. granted Jan. 17, 2025)).

Undersigned counsel believes that additional time is important to ensure the effective representation of petitioners. No party will be prejudiced by the granting of a 30-day extension of time. Accordingly, petitioners respectfully requests that an order be entered extending their time to file a petition for a writ of certiorari by 30 days—extending the current deadline from April 23, 2025, to May 23, 2025.

Respectfully submitted,

ASHLEY M. LITWIN  
SEITLES & LITWIN, P.A.  
40 N.W. 3rd St. PH 1  
Miami, FL 33128  
(305) 403-8070

HECTOR A. DOPICO  
FEDERAL PUBLIC DEFENDER  
ANDREW L. ADLER  
*/s/ Andrew L. Adler*  
*Counsel of Record*  
ASS'T FEDERAL PUBLIC DEFENDER  
1 E. Broward Blvd., Suite 1100  
Ft. Lauderdale, FL 33301  
(954) 356-7436  
Andrew\_Adler@fd.org

March 24th, 2025