

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

**IN THE SUPREME COURT OF THE UNITED STATES**

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ANGELA RENE LEEMAN, Petitioner,

vs.

STATE OF ARIZONA, Respondent.

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ON PETITION FOR A WRIT OF CERTIORARI  
TO THE ARIZONA 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 ELENA KAGAN, ASSOCIATE JUSTICE OF THE  
SUPREME COURT OF THE UNITED STATES, AND CIRCUIT JUSTICE FOR THE  
UNITED STATES COURT OF APPEALS FOR THE NINTH CIRCUIT:

Petitioner Angela Rene Leeman respectfully requests an extension of time of 60 days to file a petition for a writ of certiorari in this case, from January 28, 2019, to and including March 29, 2019. This application is being filed more than 10 days before the present due date as required by Supreme Court Rule 13.5. This Court has jurisdiction to entertain the petition for certiorari under 28 U.S.C. § 1257(a). The decisions she seeks to have reviewed are the decision of the Arizona Court of Appeals filed on March 19, 2018, and the order of the Supreme Court of Arizona declining to review that decision on October 30, 2018. Petitioner's counsel has consulted with Assistant Arizona Attorney General Mariette Ambri, who represents the State of

Arizona in this case, and reports that the State does not object to this request for an extension of time.

This case presents an important question of federal constitutional law that has divided state courts: whether a sentence to die in prison for a conviction for offenses committed as a juvenile, the “most severe penalty permitted by law,” *Graham v. Florida*, 560 U.S. 48, 70 (2010), applies to consecutive terms arising from the same offense. Petitioner, a teen runaway herself, was convicted of several counts of child abuse, based on a failure to protect her baby son from her boyfriend (12 years her senior) while addicted to drugs supplied by that boyfriend; she was given a cumulative sentence of sixty-one years, with no eligibility for release until she is seventy-five years old.

Petitioner presented a claim for post-conviction relief under *Miller v. Alabama*, 567 U.S. 460 (2012), and *Montgomery v. Louisiana*, \_\_ U.S. \_\_, 136 S. Ct. 718 (2016), which was denied based on adherence to a previous Arizona Court of Appeals case.<sup>1</sup> Another panel of the Arizona Court of Appeals recently decided, in a divided opinion, that neither *Miller* nor *Montgomery* has any impact on imposition of consecutive sentences.<sup>2</sup> A dissenting judge, however, pointed out that the Arizona Court of Appeals erroneously adhered to the reasoning of a case that had since been undermined by *Miller*.<sup>3</sup> That dissent pointed out that state and federal authority has consistently trended toward applying the rule stated in *Graham*, *Miller*, and

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<sup>1</sup> See *State v. Kasic*, 265 P.3d 410 (Ariz. Ct. App. 2011).

<sup>2</sup> See *State v. Helm*, -- P.3d --, 2018 WL 5629872 (Ariz. Ct. App., Oct. 31, 2018).

<sup>3</sup> See *id.*, ¶¶ 15-19 (Eckerstrom, C.J, dissenting).

*Montgomery* to consecutive sentences amounting to de facto life without hope of parole.<sup>4</sup> There is a deep division among state courts on this question,<sup>5</sup> thus necessitating this Court's review.

Petitioner asks for a 60-day extension of time to file the petition for certiorari to accommodate the workload of her counsel. Counsel of record Mr. Euchner is preparing for oral argument in two cases (before the Arizona Supreme Court in *State v. De Anda* on February 7, 2019, and in *State v. Hernandez* before the Arizona Court of Appeals on February 26, 2019), has filed five merits briefs between December 24 and January 7, and is managing several other deadlines in January and February. Undersigned counsel John Mills has recently agreed to assist with Ms. Leeman's representation at this Court pro bono; although he is expeditiously working to get up to speed on the case, he is still familiarizing himself with the record and determining which issues to bring to this Court's attention. 2. In addition to this case, Mr. Mills had four merits briefing deadlines between December 21 and January 4: one capital case and three concerning life without the possibility of parole for an offense committed as a juvenile. Mr. Mills also has ongoing obligations as counsel of record in two capital cases where he has primary responsibility for drafting a forthcoming petition for writ of habeas corpus as well as responsibility as counsel for two

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<sup>4</sup> See *id.* at n.3 (Eckerstrom, C.J., dissenting) (collecting cases).

<sup>5</sup> Compare *State v. Moore*, 76 N.E.3d 1127 (Ohio 2016), *cert. denied*, 138 S. Ct. 62 (2017) (*Miller* applies to consecutive sentences), with *Willbanks v. Missouri Dept. of Corrections*, 522 S.W.3d 238 (Mo. 2017), *cert. denied*, 138 S. Ct. 304 (2017) (*Miller* does not apply to consecutive sentences).

additional capital representations and four representations related to sentences to life without the possibility of parole (among other representations).

For these reasons, Petitioner prays for a 60-day extension of time to file a petition for a writ of certiorari in this matter, to and including March 29, 2019.

Respectfully submitted: January 9, 2019.



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