

No. _____

IN THE SUPREME COURT OF THE UNITED STATES

Daquan Ossie Bradley,
Petitioner,

v.

State of Minnesota,
Respondent.

APPLICATION TO THE HONORABLE NEIL GORSUCH
FOR AN EXTENSION OF TIME TO FILE
A PETITION FOR A WRIT OF CERTIORARI

CATHRYN MIDDLEBROOK
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Counsel of Record

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Attorneys for Petitioner

TO THE HONORABLE NEIL GORSUCH, ASSOCIATE JUSTICE OF THE SUPREME COURT OF THE UNITED STATES AND CIRCUIT JUSTICE FOR THE EIGHTH CIRCUIT:

Pursuant to Supreme Court Rules 13.5, 22, and 30, Petitioner respectfully requests a thirty-day extension of time, up to and including February 12, 2020, to file a petition for a writ of certiorari to the Minnesota Court of Appeals to review that court's decision in *State of Minnesota v. Daquan Ossie Bradley*, No. A17-1659 (July 29, 2019) (Attached as Exhibit A). The Supreme Court of the State of Minnesota denied Petitioner's petition for discretionary review on October 15, 2019. (Attached as Exhibit B). Final judgment of the Minnesota Court of Appeals was entered on October 16, 2019. (Attached as Exhibit C). Petitioner intends to file a petition seeking review of this judgment. The jurisdiction of this Court will be invoked under 28 U.S.C. § 1257(A), and the time to file a petition or a writ of certiorari will expire without an extension on January 13, 2020. This Application is timely because it has been filed at least ten days prior to the date on which the time for filing the petition is to expire.

1. This case presents the following important question of federal law: whether a court trial verdict that is based on an improper beyond-a-reasonable-doubt burden of proof is structural error under *Sullivan v. Louisiana*, 508 U.S. 275 (1993). Below, the Minnesota Court of Appeals held, in direct conflict with *Sullivan*, that a court trial verdict based on an improper beyond a reasonable doubt burden is not structural error, but is instead an error that is subject to harmless error review. *Bradley*, No. A17-1659 at *19-21.

2. Petitioner is requesting an extension of time to file his petition for a writ of certiorari because the current caseload of counsel who represented Petitioner below, Assistant Minnesota Appellate Public Defender Anders J. Erickson, will not allow counsel to adequately prepare the petition to be filed with this Court by January 13, 2020.

3. Since the Minnesota Supreme Court denied review on October 15, 2019, Mr. Erickson filed briefs with the Minnesota Court of Appeals in *State of Minnesota v. Kohler*, A19-0968, *State of Minnesota v. Hanson*, A18-0178, *State of Minnesota v. Beane*, A19-0836, and *State of Minnesota v. Mikulak*, A19-1161. Additionally, Mr. Erickson appeared before the Minnesota Supreme Court for oral argument in *State of Minnesota v. Shaka*, A18-0778 and filed a brief with the Minnesota Supreme Court in *State of Minnesota v. Degroot*, A18-0850.

Mr. Erickson is currently preparing a brief to be filed with the Minnesota Supreme Court on January 9, 2020, in *State of Minnesota v. Dolo*, A19-0063, and a brief to be filed with the Minnesota Court of Appeals on January 14, 2020, in *State of Minnesota v. Gonzalez-Perez*, A19-0885. Finally, Mr. Erickson will be appearing for oral argument before the Minnesota Supreme Court on January 14, 2020, in *State of Minnesota v. Degroot*, A18-0850.

Accordingly, given Mr. Erickson's caseload, Petitioner respectfully requests that an order be entered extending the time to file a petition for a writ of certiorari for thirty days, up to and including February 12, 2020.

January 3, 2020

Respectfully submitted,

A handwritten signature in cursive script that reads "Cathryn Middlebrook".

Cathryn Middlebrook
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