

No. 21-7093

IN THE SUPREME COURT OF THE UNITED STATES

---

JAMESON LAFOREST, ROBERT WESLEY JOHNSON, AND  
KEITH MARVEL WALTON,

Petitioners,

- vs -

UNITED STATES OF AMERICA,

Respondent.

---

DECLARATION OF ATTORNEY ETHAN A. BALOGH

---

I, Ethan A. Balogh, do hereby declare under penalty of perjury,

1. I am an attorney admitted to practice before this Court, and on September 18, 2018, I received and accepted the Ninth Circuit's appointment to represent Petitioner Jameson LaForest on direct appeal. Except where otherwise expressly set forth, I make this declaration on personal knowledge, and if called as a witness, I could testify competently to the facts set forth herein.

2. With assistance from counsel for Petitioners Robert Johnson and Keith Walton, I prepared the petition for a writ of certiorari in this case.

3. We completed the petition on January 18, 2022, the day before its January 19, 2022 due date.

4. On January 18, 2022, I submitted an electronic copy of the petition to the Court through its electronic filing system, and I also directed a vendor who copies and mails briefs for me to mail a copy of the petition that day to the Office of the Solicitor General. That brief was mailed as requested.

5. I did not direct my vendor to mail a copy to the Court that same day because I misunderstood the service requirements which were in place at that time.

Specifically, by failing to recheck the rules and acting (from what proved to be an errant memory), I erroneously believed: (1) that the Court's April 15, 2020 order regarding service was applicable to the instant petition, and (2) that this order

allowed for electronic filing of a petition for a writ of certiorari. I had forgotten that unlike district court and circuit court practice, I needed to have paper copies of the petition mailed to the Court concurrently with my electronic submission to the Court. In sum, the delay in mailing copies of the petition to the Court occurred because of my misunderstanding of the service rules in place at that time, and not for any other reason.

I declare the foregoing is true and correct under the laws of the United States.

DATED: June 6, 2022

ETHAN A. BALOGH