

No. 22A219

In the
Supreme Court of the United States

SLADE ALAN MOORE,
Applicant,

v.

STATE OF TEXAS,
Respondent.

APPLICATION FOR FURTHER EXTENSION OF TIME TO FILE
A PETITION FOR A WRIT OF CERTIORARI
TO THE EIGHTH COURT OF APPEALS OF TEXAS

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APPLICATION FOR FURTHER EXTENSION OF TIME TO FILE
A PETITION FOR A WRIT OF CERTIORARI
TO THE THIRD COURT OF APPEALS OF TEXAS

To the Honorable Samuel Alito, Associate Justice of the United States
Supreme Court and Circuit Justice for the Fifth Circuit:

Pursuant to 28 U.S.C. § 2101(c) and Rules 13.5, 22, and 30.3 of the Rules of this Court, applicant Slade Alan Moore respectfully requests an additional 44-day extension of time, to and including Friday, November 18, 2022, within which to file a petition for a writ of certiorari to review the judgment of the Eighth Court of Appeals of Texas in this case.

1. The Texas Court of Criminal Appeals refused Mr. Moore's petition for discretionary review of the judgment of the Eighth Court of Appeals on June 22, 2022 (*see* Ex. A). On September 13, 2022, Your Honor granted an additional 16 days to file a petition for a writ of certiorari, extending the deadline from September 20, 2022, to October 6, 2022 (*see* Ex. B). This second application is therefore made at least 10 days before the petition is due.

2. This Court's jurisdiction would be invoked under 28 U.S.C. § 1257(a).

3. This case presents an important question concerning the constitutionality under the First Amendment of state statutes that criminalize

allegedly harassing or annoying electronic communications. The relevant Texas statute criminalizes speech that a number of other States' highest courts have held is protected by the First Amendment, thus creating a split on the issue.

4. Petitioner has a legitimate need for the requested extension. Undersigned counsel also, along with the Yale Law School Media Freedom & Information Access Clinic, represent petitioners in *Barton v. Texas* (No. 22A138) and *Sanders v. Texas* (No. 22A207), petitions for writs of certiorari that, while to the Texas Court of Criminal Appeals rather than Texas's Eighth Court of Appeals, involve essentially identical issues. The further 44-day extension is necessary to give counsel time after the filing of the *Barton* and *Sanders* joint petition (for which those petitioners seek an extension to November 4, 2022) to finalize the petition in this case.

5. Counsel for Respondent has indicated that Respondent does not oppose this application via electronic mail on September 23, 2022. In the interest of fairness, counsel has no objection if respondent receives additional time to respond to the petition.

6. Accordingly, applicant Slade Alan Moore respectfully requests that the time within which to file a petition for a writ of certiorari be extended for 44 days, to and including November 18, 2022.

Respectfully submitted,

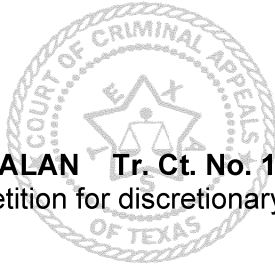


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EXHIBIT A



6/22/2022



MOORE, EX PARTE SLADE ALAN Tr. Ct. No. 19-0258 PD-0072-22

On this day, the Appellant's petition for discretionary review has been refused.

Deana Williamson, Clerk

MARK BENNETT
ATTORNEY AT LAW
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HOUSTON, TX 77002
* DELIVERED VIA E-MAIL *

EXHIBIT B

 		Search documents in this case: <input type="text"/> <input type="button" value="Search"/>
No. 22A219		
Title:	Slade Alan Moore, Applicant v. Texas	
Docketed:	September 12, 2022	
Lower Ct:	Court of Appeals of Texas, Eighth District	
Case Numbers:	(08-20-64-CR)	

DATE	PROCEEDINGS AND ORDERS												
Sep 08 2022	<p>Application (22A219) to extend the time to file a petition for a writ of certiorari from September 20, 2022 to October 6, 2022, submitted to Justice Alito.</p> <table border="0"> <tr> <td>Main Document</td> <td>Lower Court Orders/Opinions</td> <td>Lower Court</td> </tr> <tr> <td>Orders/Opinions</td> <td>Lower Court Orders/Opinions</td> <td>Lower Court</td> </tr> <tr> <td>Orders/Opinions</td> <td>Lower Court Orders/Opinions</td> <td>Lower Court</td> </tr> <tr> <td>Orders/Opinions</td> <td>Proof of Service</td> <td></td> </tr> </table>	Main Document	Lower Court Orders/Opinions	Lower Court	Orders/Opinions	Lower Court Orders/Opinions	Lower Court	Orders/Opinions	Lower Court Orders/Opinions	Lower Court	Orders/Opinions	Proof of Service	
Main Document	Lower Court Orders/Opinions	Lower Court											
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Orders/Opinions	Proof of Service												
Sep 13 2022	<p>Application (22A219) granted by Justice Alito extending the time to file until October 6, 2022.</p>												

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