

**CAPITAL CASE
22-**

**In The
SUPREME COURT OF THE UNITED STATES
October Term 2022**

**Robert Cromwell,
*Applicant/Petitioner,***

v.

**Ryan Thornell,
*Respondent.***

**Application for an Extension of Time Within
Which to File a Petition for a Writ of Certiorari to the
Arizona Supreme Court**

**APPLICATION TO THE HONORABLE JUSTICE
ELENA KAGAN AS CIRCUIT JUSTICE**

John Saccoman
Counsel of Record
Law Office of John L. Saccoman
P.O. Box 16013
Phoenix, AZ 85011
602-492-1521
saccomanjohn@gmail.com

Kirsty Davis
Arizona Capital Representation
Project
1201 E. Jefferson, Suite 5
Phoenix, AZ 85034
(602) 388-4023
kirsty@azcapitalproject.org

Attorneys for Applicant/Petitioner

June 12, 2023

APPLICATION FOR EXTENSION OF TIME

Pursuant to Rule 13.5 of the Rules of this Court, Applicant Robert Cromwell requests a 60-day extension of time to file a petition for writ of certiorari, up to and including Friday September 1, 2023.

JUDGMENT FOR WHICH REVIEW IS SOUGHT

The judgment for which review is sought is the Arizona Supreme Court's denial of the petition for review in *State of Arizona v. Robert Louis Cromwell*, No. CR-22-0068-PC (April 4, 2023). Attachment A. The Arizona Supreme Court denied review of the decision in *State of Arizona v. Robert Louis Cromwell*, No. CR-2001-095438 (September 4, 2020). Attachment B.

JURISDICTION

This Court will have jurisdiction over any timely filed petition for writ of certiorari in this case pursuant to 28 U.S.C. 1254(1). Under Rules 13.1, 13.3, and 30.1 of the Rules of this Court, a petition for writ of certiorari is due to be filed on or before July 3, 2023. In accordance with Rule 13.5, this application is being filed more than 10 days in advance of the filing date for the petition for a writ of certiorari.

REASONS JUSTIFYING AN EXTENSION OF TIME

Applicant respectfully requests a 60-day extension of time within which to file a petition for writ of certiorari seeking review of the decision of the Arizona Supreme Court in this case, up to and including September 1, 2023.

An extension of time is necessary because of undersigned counsel's commitments in other matters. Lead counsel John Saccoman, who has represented Mr. Cromwell in all post-conviction proceedings below, has ongoing commitments in multiple capital cases as well as personal and family health issues that have divided counsel's time and attention.

Additionally, co-counsel Kirsty Davis is staff counsel at the Arizona Capital Representation Project, a small non-profit resource center that directly represents capital defendants in Arizona and conducts a significant amount of pro bono work in death penalty matters. Ms. Davis is lead or co-counsel in four other death penalty matters and one non-capital matter in Arizona state courts, all of which have divided counsel's time and attention.

A 60-day extension for Applicant Mr. Cromwell would allow Mr. Saccoman and Ms. Davis the necessary amount of time to effectively prepare the petition for writ of certiorari in this case. Unsigned counsel have been in contact with the State and it has no opposition to this motion.

CONCLUSION

For the foregoing reasons, Applicant Robert Cromwell respectfully requests this Court grant an extension of 60 days, up to and including September 1, 2023, within which to file a petition for writ of certiorari in this case.

Respectfully submitted,

s/ John Saccoman
John Saccoman
Counsel of Record
Law Office of John L. Saccoman
P.O. Box 16013
Phoenix, AZ 85011
saccomanjohn@gmail.com

Kirsty Davis
Arizona Capital Representation
Project
1201 E. Jefferson, Suite 5
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