

No. 22A_____

IN THE
Supreme Court of the United States

DAVID M. MORGAN,

Applicant-Petitioner,

v.

THE STATE OF ARIZONA, HON. TIMOTHY DICKERSON AND HON. LAURA CARDINAL,
JUDGES OF THE SUPERIOR COURT OF THE STATE OF ARIZONA,
IN AND FOR THE COUNTY OF COCHISE,

Respondents.

**APPLICATION FOR EXTENSION OF TIME WITHIN
WHICH TO FILE A PETITION FOR A WRIT OF
CERTIORARI TO THE SUPREME COURT OF ARIZONA**

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TO THE HONORABLE ELENA KAGAN, ASSOCIATE JUSTICE OF THE UNITED STATES
SUPREME COURT AND CIRCUIT JUSTICE FOR THE NINTH CIRCUIT:

1. Pursuant to Supreme Court Rules 13.5 and 30.2, Applicant-Petitioner David M. Morgan (“Applicant”) respectfully requests a thirty-day (30) extension of time, up to and including October 12, 2022, within which to file a petition for a writ of certiorari in this case. This is Applicant’s first request for such an extension. The Supreme Court of Arizona issued the subject Opinion on June 14, 2022, which is attached as Appendix A. Absent an extension of time, Applicant’s petition for a writ of certiorari would be due on or before September 12, 2022.

2. This application complies with Rules 13.5 and 30.2 because it is being filed more than ten days before Applicant’s petition for a writ of certiorari is due.

3. This Court’s jurisdiction will be invoked under 28 U.S.C. Section 1257(a).

4. Applicant is a journalist based in Cochise County, Arizona. Applicant has focused his reporting on local government and court news for more than fifteen years. This case arises from Applicant’s challenge of the Superior Court for the State of Arizona in and for the County of Cochise’s (the “Cochise County Superior Court”) practice of keeping juror identities secret from the public, including journalists like Applicant (the use of “innominate” juries). This case involves important issues related to the public’s access to juror names, which is protected by the First Amendment to the United States Constitution.

5. Applicant has good cause for an extension of time to file his petition for a writ of certiorari for at least the following three reasons. First, Applicant is

represented by the First Amendment Clinic at the Sandra Day O'Connor College of Law – Arizona State University (the “First Amendment Clinic”). The First Amendment Clinic is a public law firm which provides law students with the opportunity to contribute to the representation of clients with legal matters which involve the First Amendment of the United States Constitution. First Amendment Clinic law students, working with counsel at the First Amendment Clinic, contributed greatly to the Applicant’s arguments at both the Court of Appeals of Arizona and Supreme Court of Arizona. The fall semester is just now beginning for the First Amendment Clinic’s newly enrolled law students. The requested thirty-day (30) extension to October 12, 2022 will allow for First Amendment Clinic law students, working with First Amendment Clinic counsel, to contribute to Applicant’s petition for a writ of certiorari. Such contribution will provide a great benefit to Applicant in the preparation of the petition for a writ of certiorari. Such opportunity for contribution will further provide an incredible learning experience for First Amendment Clinic law students.

6. Second, the issues for review have critical implications for the application of core First Amendment principles within the judicial process. The requested thirty-day (30) extension will benefit Applicant’s ability to provide a complete and helpful analysis of such important issues in his petition for a writ of certiorari. In addition to the fact that the fall semester is just beginning for the First Amendment Clinic, First Amendment Clinic counsel and law students are also

engaged in other separate legal matters which require briefing in the coming months.

7. Third, no prejudice will result to Respondents, or any other party, from the requested thirty-day (30) extension. At this time, the Cochise County Superior Court is not enjoined or prohibited from utilizing its practice of keeping juror identities secret from the public (the use of “innominate” juries) pending Applicant’s petition for a writ of certiorari to this Court, and no case or trial was suspended pending the outcome of the original motion to intervene and subsequent appeals.

WHEREFORE, Applicant respectfully requests a thirty-day (30) extension of time, up to and including October 12, 2022, within which to file a petition for a writ of certiorari in this case.

Dated: August 16, 2022

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