

No. 21-_____

IN THE SUPREME COURT OF THE UNITED STATES

STEVEN WAYNE KEEFE,

Petitioner,

-v-

STATE OF MONTANA,

Respondent.

**APPLICATION FOR EXTENSION OF TIME TO FILE
PETITION FOR WRIT OF CERTIORARI TO
THE SUPREME COURT OF MONTANA**

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COUNSEL FOR PETITIONER

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TO THE HONORABLE ELENA KAGAN, Associate Justice of the Supreme Court of the United States, and Circuit Justice for the United States Court of Appeals for the Ninth Circuit:

COMES NOW the Petitioner, Steven Wayne Keefe, by and through undersigned counsel, and pursuant to 28 U.S.C. § 1257(a) and Supreme Court Rule 13.5, respectfully requests an extension of time of 30 days within which to file his Petition for Writ of Certiorari to the Supreme Court of Montana. The decisions he seeks to have reviewed are the decision of the Montana Eighth Judicial District Court Cascade County dated July 16, 2021, and the order of the Supreme Court of Montana denying review, dated June 28, 2022.

The case concerns Mr. Keefe's sentence and whether his conviction complied with the demands of the Sixth, Eighth, and Fourteenth Amendments.

On September 6, 2022, undersigned counsel Mills reached out to Counsel for the State of Montana, Roy Brown. That day, he indicated that the State does not object to the request for an extension in this case.

Mr. Keefe's time to petition for a Writ of Certiorari in this Court expires on Monday, September 26, 2022 and requests that this Court extend time to file his petition for thirty days, until Wednesday, October 26, 2022. Petitioner shows the following good cause in support of this request:

1. Counsel for Mr. Keefe is concurrently preparing briefing related to multiple death penalty cases. These matters make competent preparation of the petition impossible under the circumstances. During the pendency of the petition, Mr. Mills, primary counsel for Mr. Keefe, has been extensively litigating an execution warrant in Oklahoma state courts. He also has filings due in multiple other death penalty cases, including a state post-conviction petition for relief concerning a case where the defendant was convicted of nine homicides due on October 14, 2022, a federal habeas petition on October 1, 2022, and an amended federal habeas petition on September 23, 2022. Mr. Mills is also teaching a post-conviction seminar as adjunct faculty at the Hastings College of Law. Additionally, he is responsible for the management of the day-to-day operations of his non-profit law practice. Finally, in August, Mr. Mills contracted the coronavirus associated with COVID-19, rendering him unable to work for over a week. In combination, these obligations have made it impossible to competently complete the petition by the current due date.

2. Accordingly, counsel respectfully requests that this Court grant an extension of thirty days.

WHEREFORE, undersigned counsel respectfully requests an extension of time of thirty days within which to file the Petition for Writ of Certiorari, up to and including Wednesday, October 26, 2022.

Dated: This the 7th day of September 2022.

Respectfully submitted,

/s/John R. Mills
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- APPENDIX A Order, *State of Montana v. Steven Wayne Keefe*, No. ADV-17-0076 (Mont. Dist. Ct. July 16, 2021)
- APPENDIX B Opinion, *State of Montana v. Steven Wayne Keefe*, No. DA 21-0409 (Mont. June 28, 2022)

APPENDIX A

APPENDIX B