

App. No. \_\_\_\_\_

---

IN THE  
SUPREME COURT OF THE UNITED STATES

---

KRISTOPHER VOLYES,

*Petitioner,*

v.

UNITED STATES OF AMERICA,

*Respondent.*

---

**APPLICATION FOR EXTENSION OF TIME IN WHICH TO FILE  
PETITION FOR A WRIT OF CERTIORARI**

To the Honorable Brett M. Kavanaugh, Associate Justice of the Supreme Court of the United States and Circuit Justice for the United States Court of Appeals for the Sixth Circuit:

Petitioner, Kristopher Voyles, by his counsel, respectfully requests pursuant to Supreme Court Rule 13.5 and Rule 22 that the time for filing a petition for writ of certiorari in this matter be extended for 30 days to and including December 20, 2022. The United States Court of Appeals for the Sixth Circuit issued its judgment and opinion on August 22, 2022, affirming Mr. Voyles's term of incarceration and the imposition of sex offender conditions as part of his term of supervised release. (*see* Appendix). Mr. Voyles's time to petition for writ of certiorari in this Court would therefore expire on November 20, 2022, absent an extension. Mr. Voyles files this

application at least ten days before that date, and supports his request as follows:

1. Mr. Voyles was sentenced on June 23, 2021, to serve 27 months in prison followed by three years of supervised release for the charge of theft of government property under 18 U.S.C. § 641. The charge was based on his unlawful receipt of mental health treatment from a Veterans Affairs Administration (“VA”) hospital because he impersonated a veteran. As part of his term of supervised release the district court ordered that he comply with certain sex offender conditions. Mr. Voyles had no conviction or arrest for a sex offense. Instead, the conditions were applied exclusively due to a list of imaginary sexual conduct Mr. Voyles apparently drafted while he was in federal custody awaiting transport to a competency evaluation, and at a time when he was off his mental health medications.

2. The Sixth Circuit issued a divided opinion affirming the imposition of sex offender conditions, with the dissenting judge taking the view that the total absence of any direct or circumstantial evidence that Mr. Voyles had any “history with sexual misconduct or attraction to minors and/or vulnerable communities,” set him apart from others legitimately subject to sex offender conditions. *Id.* at 15a. This is an appeal from the application of those conditions.

3. Good cause supports granting an extension of time. In the time since the lower court issued its judgment, undersigned counsel has been responsible for an unusually large number of briefs and other filing. Despite due diligence on the

part of counsel, the press of these and other responsibilities have left insufficient time in which to prepare the petition.

Mr. Voyles therefore asks this Court to extend the time to file a petition for a writ of certiorari in this appeal 30 days to and including December 20, 2022.

Respectfully submitted,

s/ Erin P. Rust

Erin P. Rust

Assistant Federal Defender

Federal Defender Services of

Eastern Tennessee, Inc.

835 Georgia Avenue

Chattanooga, TN 37402

(865) 637-7979

erin\_rust@fd.org

Dated: November 7, 2022