

No. _____

Seventh Circuit Appeal No. 21-2587

IN THE
SUPREME COURT OF THE UNITED STATES

CHRISTOPHER L. RAMIREZ,

Petitioner,

v.

UNITED STATES OF AMERICA,

Respondent.

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

EXHIBIT A - AFFIDAVIT OF COUNSEL

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**AFFIDAVIT OF ADAM STEVENSON
IN SUPPORT OF APPLICATION FOR EXTENSION OF TIME TO
PETITION FOR A WRIT OF CERTIORARI**

I submit this affidavit in support of Christopher Ramirez's Application for Extension of Time to File Petition for a Writ of Certiorari:

1. On November 5, 2021, pursuant to the Criminal Justice Act of 1964, the Court of Appeals for the Seventh Circuit ("Court of Appeals") appointed me to represent Christopher Ramirez, in his direct appeal arising out of the District Court for the Eastern District of Wisconsin ("District Court"). (Exhibit B.) Mr. Ramirez is serving his federal sentence concurrently with a state sentence at a Wisconsin state facility, Fox Lake Correctional Institution. His projected release date is not listed on

the Bureau of Prisons' inmate locator, but his release from Wisconsin custody is February 18, 2023.

2. On November 8, 2022, the Court of Appeals issued its opinion affirming Mr. Ramirez's sentence. (Exhibit C.)
3. In its opinion, the Court of Appeals reaffirmed its decision in *United States v. Ruth*, 966 F.3d 642 (7th Cir. 2020), that for the purposes of the United States Sentencing Guidelines Career Offender designation, a state controlled substance offense could include criminalized substances outside of the federal controlled substances schedules. (Exhibit C.)
4. There is at a minimum a reasonable prospect that this Court will grant *certiorari* and potentially reverse the decision of the Court of Appeals. The issue in this case involves an issue this Court has been asked to address on a number of occasions in the face of a circuit split. Two Justices of the Court went so far as to call for it to be corrected by the United States Sentencing Commission. *Guerrant v. United States*, 142 S. Ct. 640 (2022) (Sotomajor, J.). However, while the Sentencing Commission has proposed an amendment to this section to potentially resolve the concern, it has not indicated a potential to make this amendment retroactive. Therefore, this Court may be the only entity able to address the sentences of Mr. Ramirez and other similarly situated individuals, those folks sentenced before the Guidelines change

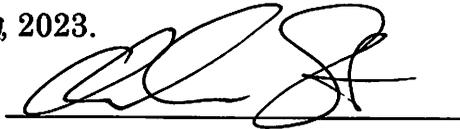
whose Guidelines range would now be inconsistent with the amended Guidelines.

5. Counsel has in the past been, and currently is, engaged in other litigation currently in ongoing briefing. This work includes another planned petition to this Court arising out of *United States v. Erin Graham, Jr.*, Seventh Circuit Appeal No. 19-2373, presently due March 13, 2023. Counsel's litigation also includes briefing in *United States v. Bryant Aron*, Seventh Circuit Appeal No. 22-2364 and *United States v. Gilbert Bicknell*, Seventh Circuit Appeal No. 22-2268, both presently due in mid-February. These cases are in addition to several other legal matters while running a federal postconviction law school clinic and directing the University of Wisconsin Law School's prison-based clinical programs.
6. In addition to other casework, counsel is not a full-time practicing attorney, and is instead the director of a legal clinic at the University of Wisconsin Law School. Due to the educational nature and structure of the project and counsel's work directing it, counsel has additional time commitments in addition to, and apart from, litigation. Though not itself a basis for an extension given the general time commitments of members of the bar, in combination with the casework listed above, these matters demonstrate the need for additional time to effectively represent Mr. Ramirez's interests before this Court.

7. Mr. Ramirez is aware of the possibility that counsel would need to file such a motion for an extension of time to petition the Court. Mr. Ramirez has no objections to requesting a 60-day extension.
8. There is no prejudice to the respondent by the granting of this motion, which would serve justice and the public interest.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on this 22 day of January, 2023.



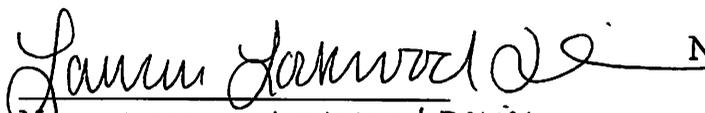
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CHRISTOPHER L. RAMIREZ

State of Wisconsin
County of Dane

This document was signed before me on 1/23/23 by Adam Stevenson


Name: Lauren Lockwood Devine
Notary Expiration Date: is permanent

NOTARY STAMP/SEAL

