

No. _____

IN THE

SUPREME COURT OF THE UNITED STATES

KEIRON K. SNEED, Petitioner,

-vs-

PEOPLE OF THE STATE OF ILLINOIS, Respondent.

On Petition For Writ Of Certiorari

To The Supreme Court Of Illinois

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

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TO: The Honorable Amy Coney Barrett, Associate Justice of the Supreme Court of the United States and Circuit Justice for the Seventh Circuit:

Pursuant to Rule 13.5 of the Rules of this Court, Petitioner Keiron K. Sneed prays for a 30-day extension of time to file his petition for certiorari in this Court from September 13, 2023 up to and including October 13, 2023. In support of this application, counsel states as follows:

1. The final judgment of the Illinois Supreme Court was entered on June 15, 2023, and copies of that decision are attached hereto. Without an extension, the petition for a writ of certiorari would be due on September 13, 2023. This application is being timely filed more than 10 days before that date pursuant to this Court's Rule 13.5.

2. Mr. Sneed intends to petition for a writ of certiorari for this Court to review the decision of the Illinois Supreme Court. The jurisdiction of this Court is invoked under 28 U.S.C. § 1254(1).

3. Undersigned counsel has contacted the Illinois Attorney General's Office to inquire about the State's position on this request for extension, and opposing counsel has informed us that the State has no objection.

4. This case is a serious candidate for review. As shown by the attached opinion, this case involves the proper interpretation and application of the Fifth Amendment of the U.S. Constitution and the foregone conclusion doctrine established by this Court's decision in *Fisher v. U.S.*, 425 U.S. 391 (1976), to the compelled entry of a personal passcode into a digital device for the purpose of pursuing a criminal investigation and prosecution. In its decision below, the Illinois Supreme Court held that the Fifth Amendment did not bar the State from compelling Mr. Sneed to enter a passcode into a cellular phone that had been seized from him. (A-29) In particular, the court held that the foregone

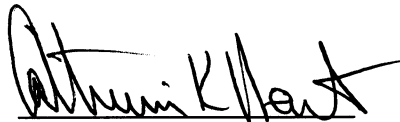
conclusion doctrine was applicable to the compelled entry of a passcode to bypass the Fifth Amendment right against self-incrimination (A-26, A-29), and that the only knowledge the State was required to demonstrate to utilize the doctrine was its knowledge of the passcode, rather than its knowledge about the contents of the device being unlocked. (A-27 to A-29) In doing so, it split from the decisions of other state supreme courts, as well as at least one federal circuit court of appeal. *See Seo v. State*, 148 N.E.3d 952 (Ind. 2020); *Commonwealth v. Davis*, 656 Pa. 213 (2019); *In re Grand Jury Subpoena Duces Tecum Dated March 25, 2011*, 670 F.3d 1335 (11th Cir. 2012). As such, this case presents substantial and important questions of federal constitutional law that were determined adversely to the petitioner by the court below.

5. This request for extension is made in good faith and not for the purpose of delay. Other obligations of the undersigned counsel, public appellate defenders in the Illinois courts, have precluded counsel from being able to direct adequate time and attention to the preparation of Mr. Sneed's petition for a writ of certiorari. In particular, at the time the Illinois Supreme Court's decision was issued, counsel was in the process of briefing for the cases of *People v. Wheeler*, Appellate Court (AC) No. 4-22-0749 (completed on June 28, 2023), and *People v. Hall*, AC No. 4-23-0098 (completed on July 19, 2023), and counsel then completed a reply brief in the case of *People v. Ballard*, AC No. 4-23-0035 (on July 28, 2023). On July 27, 2023, counsel was unexpectedly ordered to prepare supplemental briefing in the case of *People v. Wheeler*, AC No. 4-22-0749, to be completed by August 14, 2023, and the deadline for a reply brief in *People v. Wade*, AC No. 5-22-0560, was ordered to be advanced to August 10, 2023 when opposing counsel's response brief was filed early. Among other obligations, counsel will also have a petition for leave to appeal to the Illinois Supreme Court due on September 1, 2023 in *People v. Foy*, AC No. 4-22-0680, and has been scheduled to give oral argument in *People v. Wheeler*, AC No. 4-22-0749, on September 13, 2023.

6. In light of counsel's current obligations and the importance of the constitutional issues that will be presented in this case, counsel submits that a 30-day extension is necessary and appropriate in order to effectively prepare the petition for certiorari on Mr. Sneed's behalf.

Wherefore, counsel for Mr. Sneed respectfully requests that this Court extend the current deadline for the filing of a petition for a writ of certiorari to and including October 13, 2023.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Catherine K. Hart", written over a horizontal line.

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