

App. No. _____

IN THE
Supreme Court of the United States

CAITLYN WILLIAMS,
Petitioner,
v.

STATE OF MISSOURI,
Respondent,

and

TAMARAE LARUE,
Petitioner,
v.

STATE OF MISSOURI,
Respondent.

**On Petition for a Writ of Certiorari
To the Supreme Court of Missouri**

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

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

To: The Honorable Brett M. Kavanaugh, Circuit Justice for the United States
Court of Appeals for the Eighth Circuit:

Petitioners Caitlyn Williams and Tamarae Larue request an extension of thirty (30) days in which to file their petition for writ of certiorari challenging the Supreme Court of Missouri’s judgment affirming their convictions for violation of the Missouri compulsory school attendance law.

1. On August 15, 2023, the Supreme Court of Missouri affirmed petitioners’ convictions for violation of the Missouri compulsory school attendance law. A copy of that opinion accompanies this Application for an extension of time. *See*, Appendix A-1 – A-16.

2. On September 26, 2023, the Supreme Court of Missouri denied petitioners’ motions for rehearing. *See*, Appendix A-17 and A-18. Petitioners’ petition for certiorari is therefore presently due December 25, 2023. Petitioners are filing this Application at least ten days before the petition for certiorari is due to be filed. *See*, S.Ct. Rule 13.5. This Court would have jurisdiction of this case pursuant to 28 U.S.C. §1257(a).

3. This case is a serious candidate for granting certiorari review because the Supreme Court of Missouri has decided an important federal question in a way that conflicts with relevant decisions of this Court. The Supreme Court of Missouri held that Section 167.031, RSMo. 2016, gives a person of ordinary intelligence fair notice that her

contemplated conduct is forbidden. However, that holding relies on the definition of the word “regular,” which is not clearly defined in the statute.

4. Section 167.031, RSMo 2016, is void for vagueness, both for failure of fair notice, but also because its standards lack sufficient specificity to prevent arbitrary and discriminatory enforcement. The Supreme Court of Missouri impermissibly delegated that enforcement in its opinion to the “discretion of school officials to choose not to report minor noncompliance and of prosecutors to choose not to prosecute in those cases.” Appendix A-13. But vague laws impermissibly “hand off the legislature’s responsibility for defining criminal behavior to unelected prosecutors and judges, and they leave people with no sure way to know what consequences will attach to their conduct.” *Percoco v. United States*, 598 U.S. 319, 143 S.Ct. 1130, 1139-1140 (2023) (Gorsuch and Thomas, J.J., concurring); citing *United States v. Davis*, 588 U.S. ___, 139 S.Ct. 2319, 2323 (2019).

5. This application is not filed for purposes of delay. Undersigned counsel works for the Central Appellate Office of the Missouri State Public Defender maintaining a significant appellate caseload as well as supervising an office of seven additional appellate attorneys and three support staff.

6. For all the noted reasons, Petitioners respectfully request the entry of an order granting a thirty (30) day extension until January 24, 2024.

SUBMITTED this 4th day of October, 2023.

Respectfully submitted,

/s/ Ellen H. Flottman

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