
No.

**In The
SUPREME COURT OF THE UNITED STATES
October Term 2023**

**Charles States,
Petitioner,**

v.

**United States of America,
Respondent.**

**Application for Extension of Time Within Which
To File Petition for Writ of Certiorari**

To the Honorable Amy Coney Barrett, Associate Justice of the Supreme Court and Circuit Justice for the Seventh Circuit:

The Petitioner, **Charles States**, respectfully requests, pursuant to Sup. Ct. R. 13.5 and 30, the issuance of an order extending the time for filing a petition for writ of certiorari from its present due date of November 21, 2023, to January 22, 2024. In support of this application, petitioner states as follows:

1. The jurisdiction of this Court is invoked pursuant to 28 U.S.C. § 1254(1).
2. The Federal Defender Program was appointed pursuant to the Criminal Justice Act of 1964 (18 U.S.C. § 3006A).
3. The opinion of the Court of Appeals for the Seventh Circuit in this case is reported at 72 F.4th 778 (7th Cir. 2023) and is attached to this motion as Exhibit 1.

4. The judgment sought to be reviewed was entered on July 5, 2023, and a timely petition for rehearing was filed. The petition for rehearing was denied on August 23, 2023. The unpublished order denying rehearing is attached as Exhibit 2.

5. Under Supreme Court Rules 13.1, 13.3, and 30.1, a petition for a writ of certiorari is currently due to be filed on or before November 21, 2023. This application has been filed at least 10 days before the date a petition would be due. See Sup. Ct. R. 13.5.

6. Petitioner's counsel is requesting an extension of time because he has not had adequate opportunity to develop the petitioner's issues for this Court. This case presented the first opportunity for the Seventh Circuit to examine how this Court's decision in *United States v. Taylor*, 142 S. Ct. 2015 (2022), affected existing circuit precedent regarding the crime of attempted murder. In doing so, the Seventh Circuit recognized that *Taylor* abrogated part of its previous decision in *United States v. Hill*, 877 F.3d 717 (7th Cir. 2017), specifically the portion of *Hill* that reasoned that "[w]hen a substantive offense would be a [crime of violence]..., an attempt to commit that offense also is a [crime of violence]." Exhibit 1 at 19. However, the Seventh Circuit did not fully implement this Court's directive in *Taylor* that an attempt crime does not categorically require proof of violence because the substantial step required to prove an attempt crime "does not require the government to prove that the defendant use, attempted to use, or even threatened to use force against another person or property." *Taylor*, 142 S. Ct. at 2020.

7. The issue here is a complex one involving the categorical approach that requires substantial research. Crafting a succinct certiorari petition that distills the facts and the law requires an extensive commitment of time by counsel. Other commitments have until now prevented counsel from devoting the required amount of time. Counsel supervised the preparation and filing of several appellate briefs in the Seventh Circuit. Counsel also supervised preparations for the Federal Defender Program's review of over 700 files to determine whether those individuals are eligible for relief under the retroactive sections of Amendment 821 to the United States Sentencing Guidelines. The results of that review will require the filing of numerous motions over the next several months.

Wherefore, it is respectfully requested that an extension of time to file a petition for writ of certiorari be granted from the present due date of November 21, 2023, to January 22, 2024.

Dated this 8th day of November, 2023, at Chicago, Illinois

Respectfully submitted,

FEDERAL DEFENDER PROGRAM
John F. Murphy
Executive Director

By: /s/ Geoffrey M. Meyer
Geoffrey M. Meyer
Appellate Chief

Federal Defender Program
55 East Monroe Street, Suite 2800
Chicago, Illinois 60603
(312) 621-8300