

IN THE
SUPREME COURT OF THE UNITED STATES
OCTOBER TERM, 2024

STATE OF UTAH, *Petitioner*,

v.

DOUGLAS A. LOVELL, *Respondent*.

On Petition for Writ of Certiorari to the
to the Supreme Court of Utah

**MOTION FOR EXTENSION OF TIME UNDER MOST EXTRAORDINARY
CIRCUMSTANCES TO FILE OPPOSITION TO
PETITION FOR WRIT OF CERTIORARI
IN A CAPITAL CASE**

The Respondent, Douglas A. Lovell, by and through his counsel, Edwin S. Wall, *pro bono publico*, (with the assistance of Utah State court appointed counsel, Colleen K. Coeberg, *pro hac vice, pending admission*) moves the Court for an extension of time to file the Respondent's opposition to the State of Utah's *Petition for Writ of Certiorari* pursuant to Rule 30.2, for most extraordinary circumstances.

On November 22, 2024, the State of Utah filed a *Petition for Writ of Certiorari* in the above-entitled matter.

Mr. Lovell's response and opposition to the *Petition for Writ of Certiorari* is mandatory pursuant to Rule 15.1, as this is a capital case.

Pursuant to Rule 30, the computation of the time allowed for filing the opposition is December 23, 2024, as the thirtieth day falls on a Sunday. *See*, Rule 30.1.

A Justice or the Clerk may extend the time prescribed by the rule upon application or motion filed within the period sought to be extended. *See*, Rule 30.2. However, when an extension is sought less than 10 days from the due date it will not be granted unless "in the most extraordinary circumstances." *Id.*

The extraordinary circumstances for the granting of the requested extension of time in this matter are:

Court appointed counsel for Mr. Lovell, Colleen K. Coeberg, received notice of the petition. Ms. Coeberg, having no experience with the United States Supreme Court and not having been admitted, realized on December 20, 2024, that the *Opposition* deadline was approaching and would need assistance in filing an opposition to the State of Utah's *Petition*.

On December 20, 2024, Mr. Wall was contacted by Ms. Coebergh, as he is a member of the United States Supreme Court bar, and Mr. Wall agreed to assist Ms. Coebergh in filing the necessary opposition.

On December 22, 2024, Ms. Coebergh provided Mr. Wall with her rough draft of the opposition pleading. At that time it became apparent to Mr. Wall that: 1) Ms. Coebergh had not obtained nor moved the court to proceed in the matter *in forma pauperis*, albeit Mr. Lovell is indigent and Ms. Coebergh is court appointed counsel in the court proceedings before the State of Utah; 2) that Ms. Coebergh's pleadings were not formatted as required pursuant to the rules of the United States Supreme Court; and, 3) that additional time is necessary in order for the

mandatory opposition in this matter to be properly filed before the Court. Mr. Wall has elected to proceed in this matter *pro bono publico* to assist Ms. Coebergh and facilitate the needs of the Court for filing the necessary pleadings in this matter.

As promptly as practicable and hopefully today Mr. Lovell will file a *Motion to Proceed In Forma Paupris*.

On December 23, 2024, Mr. Wall contacted the Hon. Stanford E. Purser, Utah Solicitor General and Counsel of Record for the Respondent, regarding their position concerning a thirty (30) day extension for two reasons: 1) sufficient time to complete and submit the *Opposition* and 2) time to allow Ms. Coebergh to seek admission to the United States Supreme Court bar. On behalf of the State of Utah, Hon. Standford E. Perser, has agreed to the requested extension based on the grounds stated herein.

WHEREFORE, the Respondent, Douglas A. Lovell, respectfully requests a thirty (30) day extension to file his opposition to the *Petition for Writ of Certiorari* in this case.

Respectfully submitted,

/s/ Edwin S. Wall
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