No. 24A843
(CAPITAL CASE)

IN THE
Supreme Court of the United States

CHRISTOPHER JOHN SPREITZ, APPLICANT,

v.

STATE OF ARIZONA, RESPONDENT.

APPLICATION FOR AN EXTENSION OF TIME TO FILE A PETITION FOR A WRIT OF CERTIORARI TO SUPREME COURT OF ARIZONA

AMY P. KNIGHT
Counsel of Record
JOHN R. MILLS
PHILLIPS BLACK, INC.
1721 Broadway, Suite 201
Oakland, CA 94612
(888) 532-0897
a.knight@phillilpsblack.org

May 27, 2025

Counsel for Applicant

APPLICATION

To the Honorable Elena Kagan, Associate Justice of the Supreme Court of the United States and Circuit Justice for the Arizona Supreme Court:

Pursuant to Rule 13.5 of the Rules of this Court and 28 U.S.C. § 2101(c), applicant Christopher John Spreitz respectfully requests a 30-day extension of time, from Friday, June 6, 2025 to and including July 6, 2025, within which to file a petition for a writ of certiorari to review the judgment of the Arizona Supreme Court in this case.

1. The Arizona Supreme Court issued its decision on January 6, 2025 in a published case. *See State of Arizona v. Christopher John Spreitz*, 561 P.3d 393 (Ariz. 2025) (Appendix A). Mr. Spreitz filed a motion for reconsideration, which was denied on February 6, 2025. *See* Order, *State of Arizona v. Christopher John Spreitz*, No. CR-94-0454-AP (Ariz. Feb. 6, 2025) (Appendix B). On March 3, 2025, your honor extended the time to file a petition for certiorari to June 6, 2025. This application is being filed more than ten days before the petition is currently due and is supported by good cause, as set forth below. *See* Sup. Ct. R. 13.5. The jurisdiction of this Court would be invoked under 28 U.S.C. § 1257(a).

2. This case presents important questions of federal law: (1) whether a state can, consistent with the Eighth and Fourteenth Amendments, apply a rule categorically assigning *de minimis* probative value to relevant mitigating evidence because it lacks a causal nexus to the offense; and (2) whether, in conducting de novo

individualized sentencing review to correct an *Eddings* error committed at trial or on direct appeal, a state can refuse to consider relevant mitigation evidence in the record simply because it was developed and presented in post-conviction proceedings rather than in the original trial.

3. Mr. Spreitz was convicted of first degree murder in 1994, and the trial judge sentenced him to death. App. 3a. After his state-court proceedings concluded, the federal courts granted his habeas corpus petition as to his sentence. It did so on the grounds that the Arizona Supreme Court, in its review of his death sentence, unconstitutionally "requir[ed] that Spreitz establish a causal connection between his longstanding substance abuse and the murder before considering and weighing the evidence as a non-statutory mitigating factor." App. 5a (cleaned up) (quoting *Spreitz v. Ryan*, 916 F.3d 1262, 1273 (9th Cir. 2019)).

4. Thereafter, the State moved the Arizona Supreme Court to "conduct a new independent review" of his sentence. App. 3a. In conducting this inquiry into whether Mr. Spreitz's sentence was appropriate, the court declined to "consider evidence developed after the original [trial court] proceedings as part of [its] independent review." App. 6a (quoting *State v. Poyson*, 475 P.3d 293, 297 (Ariz. 2020)). The court thus reviewed the evidence of aggravating and mitigating circumstances presented at Mr. Spreitz's trial.

5. As part of that review, it considered eight mitigating factors:

> (1) [A]ge at the time of the murder; (2) impaired capacity to appreciate the wrongfulness of his conduct; (3) history of alcohol and

> drug abuse; (4) dysfunctional family life and lack of socialization; (5) expressions of remorse; (6) lack of adult convictions; (7) no prior record of violent tendencies; and (8) record while incarcerated.

App. 9a (internal citations omitted). Before addressing these categories, the Arizona Supreme Court made two clarifications. First, it noted that it was conducting the review because it had erred in requiring any proffered mitigation to have a "causal nexus to the underlying murder" when it conducted its required review during the direct appeal in 1997. App. 9a (cleaned up) (quoting *State v. McKinney*, 426 P.3d 1204, 1206 (Ariz. 2018)). Second, it explained that in reviewing the weight of the proffered mitigating evidence now, it would consider whether there was a causal nexus to the crime: "When assessing the weight and quality of a mitigating factor we take into account how the mitigating factor relates to the commission of the offense." App. 9a (quoting *State v. Hedlund*, 431 P.3d 181, 185 (Ariz. 2018)).

6. Consistent with the second clarification, the court below then proceeded to repeatedly discount the weight of proffered mitigating evidence in light of its lack of causal nexus to the commission of the offense, not because it found the evidence to lack value in this particular case, but in reliance on its own precedent for how such evidence is to be treated. It did so with regards to age. App. 10a. And again regarding alcohol and drug abuse. App. 16a. And again regarding Spreitz's dysfunctional family life and lack of socialization in childhood. App. 17a. And again regarding his "personal fragmentation/disorganized thought process." App. 22a. Most of its own precedents the Arizona Supreme Court cited in assigning no significant weight to these factors

predated the Ninth Circuit's holding (which had provided the basis for Mr. Spreitz's federal habeas relief) that Arizona had, for years, unconstitutionally imposed a "causal nexus" requirement for proffered mitigation. App. 10a–22a; *see also McKinney v. Ryan*, 813 F.3d 798, 802 (9th Cir. 2015).

7. Undersigned counsel was recently appointed to represent Mr. Spreitz in proceedings before this Court, including filing a petition for a writ of certiorari. Our office was not involved in the proceedings below. As part of preparing the petition, we have had to familiarize ourselves with the proceedings, including the record and arguments presented to and relied upon by the Arizona Supreme Court.

Undersigned counsel, Mr. Mills has had multiple competing obligations in capital cases that have made it make it impossible to competently complete the petition in the current timeframe. In capital cases, Mr. Mills has oral argument at the Tenth Circuit on June 18 in *Andrew v. White*, No. 15-6190 following this Court's remand. *Andrew v. White*, 604 U.S. __, 145 S. Ct. 75 (2025) (per curiam). In that case, he had briefing due on April 7 and May 7, 2025. Also before this Court, he has a reply brief in support of certiorari due on June 2, 2025 in *Anderson v. Pennsyvlania*, No. 24-6891 (U.S.), another capital case. In *Bell & Sims v. North Carolina*, No. 24-___ (U.S.), another capital case, Mr. Mills is counsel of record related to the Petition for Writ of Certiorari, which is due in August. And in *Skinner v. Louisiana*, No. 24-___ (U.S.), a case where the co-defendant was tried capitally, he has a petition for writ of certiorari due on or before June 25, 2025.

In state court, he has a reply brief due in *In re Brown*, VHC442362 (Tulare County, Cal.), a capital case in which he has already twice obtained an extension. In *In re Lynch*, H10662 (Alameda County, Cal.) he has another informal reply that he anticipates being due on June 30, 2025. That case is being handled on an expedited basis, and he does not anticipate obtaining an extension.

Ms. Knight is also involved in *Bell & Sims*, *Andrew*, and *Skinner*. Additionally, she has a major deadline on July 9 in a capital post-conviction case.

Accordingly, applicant respectfully requests that an order be entered extending the time to file a petition for certiorari to and including July 7, 2025.

Respectfully submitted,

AMY P. KNIGHT
Counsel of Record
JOHN R. MILLS
PHILLIPS BLACK, INC.
1721 Broadway, Suite 201
Oakland, CA 94612
(888) 532-0897
a.knight @phillilpsblack.org

Counsel for Applicant

May 27, 2025