

No. \_\_\_\_\_

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IN THE  
**Supreme Court of the United States**

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STEVEN NICHOLAS FULTON,  
*Petitioner,*

v.

UNITED STATES OF AMERICA,  
*Respondent.*

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**APPLICATION FOR AN EXTENSION OF TIME TO FILE A PETITION FOR A  
WRIT OF CERTIORARI TO THE UNITED STATES COURT OF APPEALS FOR  
THE FOURTH CIRCUIT**

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To the Honorable John G. Roberts, Chief Justice of the United States and  
Circuit Justice for the Fourth Circuit:

Under 28 U.S.C. § 2101(c) and Rules 13.5, 22, and 30 of this Court, petitioner Steven Nicholas Fulton respectfully requests a sixty-day extension of time, up to and including October 3, 2025, in which to file a petition for a writ of certiorari in this Court. The Fourth Circuit reversed and remanded Mr. Fulton’s judgment of acquittal on May 6, 2025. Mr. Fulton’s time to file a petition for certiorari in this Court expires on August 4, 2025. This application is being filed more than ten days before that date. A copy of the Fourth Circuit’s published opinion in this case is attached as Exhibit 1. This Court has jurisdiction under 28 U.S.C. § 1254(1).

This case presents the question whether a Court of Appeals may reinstate a jury verdict where the judge omitted a critical legal instruction to the jury on an element of the offense and the Government failed to challenge omission of that

instruction. In a published opinion, the Fourth Circuit reversed the District Court's judgment of acquittal of Mr. Fulton and its conditional grant of a new trial, remanding the case for sentencing. At trial, the District Court believed that the jury was tasked with determining whether Mr. Fulton's prior conviction was for a crime punishable by more than one year. Because of this, it never gave the Government's requested jury instruction that, as a matter of law, the crime with which Mr. Fulton was convicted "is a felony . . . punishable by imprisonment for a term exceeding one year."

The Government appealed, arguing that the District Court was bound to decide the issue as a matter of law, but never challenged the District Court's failure to give its requested jury instruction. The Court of Appeals reversed, holding that the question of felony status was a legal one and should have been determined—in the affirmative—by the District Court. And it also rejected the District Court's conditional grant of a new trial.

In addition to this petition, the undersigned is currently drafting petitions for certiorari in *United States v. Sandoval Rodriguez*, Sup. Ct. No. 25A8 and *United States v. Sandoval Rodriguez*, Sup. Ct. No. 25A18. She is also drafting opening briefs and joint appendices in *United States v. Gibbs*, Fourth Cir. No. 24-4150; *United States v. Morales*, Fourth Cir. No. 25-4258; *United States v. Ricard*, Fourth Cir. No. 25-6573; *United States v. Peters*, Fourth Cir. No. 24-6704; *United States v. Daniels*, Fourth Cir. No. 24-4080; and *United States v. Lynch*, Fourth Cir. No. 25-4174. The undersigned requests this extension of time to permit her to research the

relevant legal and factual issues and to prepare a petition that fully addresses the important questions raised by the proceedings below.

The undersigned has communicated with the government's counsel, Katherine Simpson Englander, who states that the government does not oppose the requested extension.

For these reasons, Mr. Fulton respectfully requests that an order be entered extending the time to petition for certiorari up to and including October 3, 2025.

This the 24th day of July, 2025.

Respectfully submitted,

/s/ Jaclyn L. Tarlton  
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