

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

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IN THE  
Supreme Court of the United States

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JEREMY BAUM,  
Petitioner,  
v.

STATE OF MISSOURI,  
Respondent.

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

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

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James C. Egan,  
*Counsel of Record*  
Office of the Missouri State Public  
Defender  
601 E. Walnut  
Columbia, Mo 65201  
(573) 447-8087, ext. 117  
James.Egan@mspd.mo.gov

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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:

Petitioner Jeremy Baum requests an extension of thirty (30) days in which to file his petition for writ of certiorari challenging the Missouri Court of Appeals' judgement affirming Mr. Baum's conviction for sexual trafficking in the second degree on a different basis than what was presented to the jury.

1. On March 4, 2025, the Missouri Court of Appeals, Western District, affirmed petitioner's conviction for sexual trafficking in the second degree. A copy of that opinion, along with the dissenting opinion, accompanies this Application for an extension of time. *See*, Appendix A-1 – A-48.

2. On May 27, 2025, the Missouri Supreme Court denied petitioner's application for transfer. *See*, Appendix A-49. Petitioner's petition for certiorari is therefore presently due August 25, 2025. Petitioner is 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. At petitioner's trial, the jury was instructed that if it believed Mr. Baum and A.S. masturbated each other in the same room, it would find Mr. Baum guilty of sexual trafficking in the second degree. A copy of that instruction is included in the Appendix at A-50.

4. The Missouri Court of Appeals, however, affirmed Mr. Baum's conviction on the basis that there was sufficient evidence that he watched A.S. masturbate. *See* Appendix A-9-A-10.

5. Over the last seventy-five years, beginning with *Cole v. Arkansas*, 33 U.S. 196, 212 (1948) and most recently in *Ciminelli v. United States*, 598 U.S. 306, 308-09 (2023), this Court has consistently held that it is a violation of a defendant's due process rights to affirm a conviction on a different basis than what was presented to a jury.

6. Despite Judge Ahuja's passionate dissent in which he demonstrated how the Court's opinion was in direct conflict with this Court's precedent (Appendix A-26-A-29), the Missouri Court of Appeals not only affirmed Mr. Baum's conviction but also failed to address Judge Ahuja's arguments in its opinion.

7. This case is a serious candidate for granting summary reversal or, alternatively, plenary review not only because the opinion of the Missouri Court of Appeals is in direct conflict with this Court's well-established precedent, but also because it gives this Court the opportunity to reaffirm this well-established principle of law, which, as will be demonstrated in Mr. Baum's petition, continues to be ignored by both state and federal prosecutors. Indeed, this Court recently granted a Motion for Clarification on its decision in *Department of Homeland Security v. D.V.D.*, 145 S.Ct 2153 (2025), with Justice Kagan criticizing the District Judge for not following this Court's decision to stay its order. *See Department of Homeland Security v. D.V.D.*, 2025 WL 1832186 \*1 (2025) (Kagan, J. concurring).

8. This application is not filed for purposes of delay. Undersigned counsel works for the Trial Division of the Missouri Public Defender's Office and maintains a significant caseload.

9. Undersigned counsel has contacted opposing counsel, Evan Buchheim, and he does not oppose this request.

10. For all the noted reasons, Petitioner respectfully requests the entry of an order granting a thirty (30) day extension until September 24, 2025.

SUBMITTED this 25<sup>th</sup> day of July 2025.

Respectfully submitted,

/s/ James C. Egan

James C. Egan,

*Counsel of Record*

Office of the Missouri State Public  
Defender

601 E. Walnut

Columbia, Mo 65201

(573) 447-8087, ext. 117

James.Egan@mspd.mo.gov