

No. 25A__

IN THE
Supreme Court of the United States

JUAN CARLOS SANDOVAL-RODRIGUEZ,

Applicant,

v.

UNITED STATES OF AMERICA,

Respondent.

**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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July 3, 2025

APPLICATION

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

Pursuant to Rule 13.5 of the Rules of this Court and 28 U.S.C. § 2101(c), Applicant Juan Carlos Sandoval-Rodriguez, respectfully requests a 60-day extension of time, to and including September 11, 2025, within which to file a petition for a writ of certiorari to review the judgment of the United States Court of Appeals for the Fourth Circuit this case.

1. The Fourth Circuit issued its decision on April 14, 2025. *United States v. Sandoval-Rodriguez*, No. 22-4330, 2025 WL 1098843 (4th Cir. 2025). App. 1a-14a.

2. Unless extended, the time to file a petition for a writ of certiorari will expire on July 13, 2025. This application is being filed more than ten days before the petition is currently due. *See* Sup. Ct. R. 13.5. The jurisdiction of this Court would be invoked under 28 U.S.C. § 1254(1). Applicant seeks a 60-day extension of time in order to allow recently retained counsel to review the issues presented in Applicant's case and due to counsel's competing work obligations.

3. Applicant was charged in 2018 with various racketeering offenses related to his alleged involvement with a gang.¹ *United States v. Sandoval-Rodriguez*, No. 22-4330 (4th Cir.), Doc. 65 at JA 1845. While each of his co-defendants pleaded guilty, Applicant pleaded not guilty to all counts. *United States v. Sandoval-Rodriguez*, No. 22-4330 (4th Cir.), Doc. 62 at JA 5. The case proceeded to trial. *United States v. Sandoval-Rodriguez*, No. 22-4330 (4th

¹ Applicant was also charged in a separate indictment in the District of Maryland for offenses similar to those in the present case, involving comparable conduct. He was tried and convicted alongside other co-defendants. Verdict, *United States v. Sandoval-Rodriguez*, No. 1:16-cr-00259-JKB-11 (D. Md. Jan. 1, 2022), ECF No. 1384. Following the conviction, Applicant appealed on various procedural grounds, but the Fourth Circuit denied the appeal on April 9, 2025. *United States v. Parada*, 134 F.4th 188 (4th Cir. 2025). Applicant has moved for an extension of time to file a petition for certiorari from that judgment as well. That extension request is pending.

Cir.), Doc. 62 at JA 13. The trial began on October 7, 2019 and lasted until November 1, 2019.
Id. at JA 13-16

4. At the conclusion of trial, Applicant asked the district court to define the term “reasonable doubt” for the jury. *United States v. Sandoval-Rodriguez*, No. 22-4330 (4th Cir.), Doc. 64 at JA 1355-56. The district court denied that request. However, in doing so, the court noted that the “circuit has expressed a clear disapproval, if not an outright prohibition, of reasonable doubt instructions. I don’t agree with it. But I feel compelled to adhere to that disapproval.” *United States v. Sandoval-Rodriguez*, No. 22-4330 (4th Cir.), Doc. 64 at JA 1334-35

5. Applicant appealed. The Fourth Circuit affirmed the district court’s denial of the request for a jury instruction defining reasonable doubt, noting the “long standing” rule in the Fourth Circuit that, “although the district court may define reasonable doubt to a jury * * * the district court is not required to do so.” App. 13a (citation omitted).

6. This Court’s review is urgently needed to address a clear and acknowledged conflict among the federal courts of appeals and the state courts of last resort regarding whether a trial court in criminal proceedings must, upon request from the jury or the defendant, issue an instruction regarding the meaning of the “beyond a reasonable doubt” standard. Some courts take the position that a trial court may instruct jurors on the meaning of the “beyond a reasonable doubt” standard. *See, e.g., United States v. Olivo*, 328 F. App’x 668, 669 (1st Cir. 2009); *Gaines v. Kelly*, 202 F.3d 598, 605 (2d Cir. 2000); *United States v. Shin*, 560 F. App’x 137, 140 (3d Cir. 2014); *Turner v. Johnson*, 106 F.3d 1178, 1189 (5th Cir. 1997); *United States v. Ashrafkhan*, 964 F.3d 574, 578 (6th Cir. 2020); *Harris v. Bowersox*, 184 F.3d 744, 751 (8th Cir. 1999); *Maybery v. Patton*, 579 F. App’x 640, 644 (10th Cir. 2014);

Icenhour v. Medlin, 567 F. App'x 733, 737 (11th Cir. 2014). Other courts suggest that a trial court should offer that instruction when the jury requests a definition. *See, e.g., United States v. Nolasco*, 926 F.2d 869, 872 (9th Cir.) (en banc), *cert. denied*, 502 U.S. 833 (1991); *United States v. Taylor*, 997 F.2d 1551, 1558 (D.C. Cir. 1993). By contrast, still other courts, including the Fourth Circuit below, have held that trial courts should not provide the jury with an explanation of the reasonable-doubt standard even when the jury or the defendant requests it. *See, e.g., United States v. Smith*, No. 21-4328, 2023 WL 1433639, at *1 (4th Cir. Feb. 1, 2023), *cert. denied*, 143 S. Ct. 2597 (2023); *United States v. Alt*, 58 F.4th 910, 919 (7th Cir.), *cert. denied*, 143 S. Ct. 1097 (2023).

7. Although the Supreme Court observed in *Victor v. Nebraska* that “[t]he Constitution neither prohibits trial courts from defining reasonable doubt nor requires them to do so as a matter of course,” that holding was primarily concerned with whether certain definitions of “reasonable doubt” violated due process. 511 U.S. 1, 5 (1994). The Court should grant certiorari to clarify if, and under what circumstances, the Due Process Clause requires that trial courts define reasonable doubt to protect the constitutional due process rights of defendants.

8. Jo-Ann Tamila Sagar of Hogan Lovells US LLP, Washington, D.C., was retained by Applicant to file a petition for certiorari in this Court. Good cause exists for the extension, as counsel of record was retained recently in this matter, and additional time is needed to review the record in these proceedings and prepare a petition that best serves the needs of Applicant. In addition, counsel of record is occupied with briefing deadlines for a variety of matters, including filing: a reply in support of a motion for compassionate release due July 2, 2025 in *United States v. Harper*, No. 1:99-cr-00125 (S.D. Fla.); an opening brief on

July 7, 2025 in *SEC v. Gastauer*, No. 25-01194 (1st Cir.); a petition for a writ of certiorari on July 8, 2025 in *United States v. Parada*, 134 F.4th 188 (4th Cir. 2025)²; and a petition for a writ of certiorari on July 21, 2025 in *United States v. Williamson*, No. 22-12843 (11th Cir.).

9. Counsel for the United States of America has advised that it has no objection to this extension.

10. For these reasons, Applicant respectfully request that an order be entered extending the time to file a petition for certiorari to and including September 11, 2025.

Respectfully Submitted,

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