

No. _____

IN THE SUPREME COURT OF THE UNITED STATES

CRAIG VICTOR COLEMAN, Petitioner,

vs.

STATE OF ARIZONA, Respondent.

ON PETITION FOR A WRIT OF CERTIORARI
TO THE ARIZONA SUPREME COURT

**APPLICATION FOR EXTENSION OF TIME TO FILE
A PETITION FOR WRIT OF CERTIORARI**

TO THE HONORABLE ANTHONY M. KENNEDY, CIRCUIT JUSTICE:

Petitioner Craig Victor Coleman now requests a 30-day extension of time, to and including January 10, 2018, to file a petition for a writ of certiorari in this case. This application is being filed more than 10 days before the present due date for the petition of December 11, 2017.¹ This Court has jurisdiction to entertain the petition for certiorari under 28 U.S.C. § 1257(a). Coleman's counsel has consulted with Assistant Arizona Attorney General Mariette S. Ambri, who represented the State of Arizona in the Arizona Court of Appeals and Arizona Supreme Court, and reports that the State does not object to this request for an extension of time.

This case presents an important question of federal constitutional law that has divided state courts. Coleman was convicted of the crimes of burglary of a fenced

¹ See Sup. Ct. R. 13.5.

residential yard, assault of a minor under age fifteen, and unlawful imprisonment of a minor under age fifteen, based on a mistaken belief that the minor was in danger and needed protection, and he was sentenced to what amounted to time served. Under Arizona law, unlawful imprisonment is a class six felony (the lowest level felony) and eligible for designation as a misdemeanor at sentencing—in part because it may be committed merely by causing momentary restraint.² Because the offense involved a minor under age fifteen, however, Arizona law requires that the defendant register as a sex offender for life, even if the offense was not sexually motivated.³ The Arizona Court of Appeals held that neither the Substantive Due Process Clause nor the Equal Protection Clause of the Fourteenth Amendment prohibit such a registration requirement because the legislature could rationally have believed that such was required to protect children from potential abductors.⁴ The court noted a split in authority from other state courts and chose to follow the “majority rule.”⁵ The Arizona Supreme Court denied discretionary review without comment. The certiorari petition will present a question that is appropriate for this Court to resolve, because it involves a clear split of authority among state courts interpreting the Fourteenth Amendment.⁶

The Arizona Supreme Court denied review in this matter on September 12, 2017. Coleman’s petition for certiorari is accordingly due on December

² Ariz. Rev. Stat. §§ 13-604, 13-1303.

³ See *State v. Coleman*, 385 P.3d 420, 423 (Ariz. Ct. App. 2016).

⁴ *Id.* at 424.

⁵ *Id.* at 424-26.

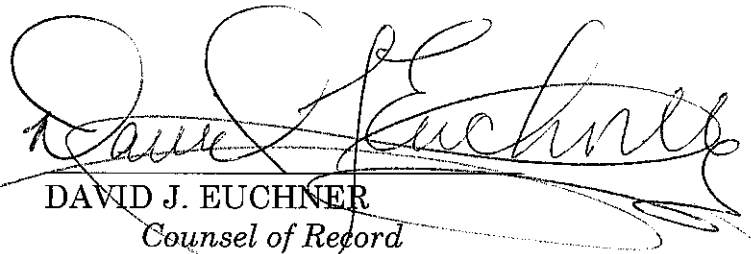
⁶ See Sup. Ct. R. 10(b).

11, 2017. Coleman asks for a 30-day extension of time to file the petition for certiorari to accommodate the workload of his counsel, Assistant Pima County Public Defenders David Euchner and Michael Miller. Both counsel have several other briefs and petitions due in the month of December in the Arizona state courts in serious homicide cases involving lengthy trials, and Mr. Euchner has oral argument scheduled in the Arizona Supreme Court in *State v. Hernandez*, No. CR-17-0325 on December 12, 2017.

For these reasons, Coleman prays for a 30-day extension of time to file a petition for a writ of certiorari in this matter, to and including January 10, 2018.

Respectfully submitted:

November 27, 2017.

A large, stylized handwritten signature in black ink, which appears to read "David J. Euchner". The signature is written over a large, faint oval outline that encircles the contact information below it.

DAVID J. EUCHNER

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