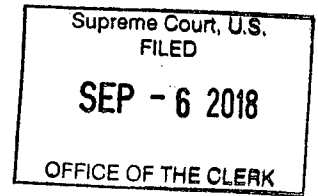


# FOR ARGUMENT

# SIDLEY

SIDLEY AUSTIN LLP  
ONE SOUTH DEARBORN STREET  
CHICAGO, IL 60603  
+1 312 853 7000  
+1 312 853 7036 FAX



AMERICA • ASIA PACIFIC • EUROPE

RHOCHMAN@SIDLEY.COM  
+1 312 853 2936

September 6, 2018

Honorable Scott S. Harris  
Clerk of the Supreme Court of the United States  
One First Street, N.E.  
Washington, D.C. 20543

**Re: Case No. 17-8151 – *Bucklew v. Precythe*  
Request to Lodge Non-Record Materials with Clerk**

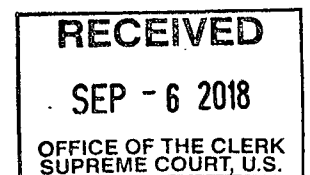
Dear Mr. Harris:

Pursuant to Supreme Court Rule 32.3, I am writing to request that Petitioner Russell Bucklew be permitted to lodge certain non-record material with the Clerk of the Court for the Court's consideration in the above-captioned case.

The material that Mr. Bucklew offers for lodging include a portion of his medical records, amounting to 16 pages, from March 20, 2018 to August 16, 2018. Mr. Bucklew has consented to the use of these records and to their being made public. Respondents have full access to these records, some of which are maintained by the Department of Corrections, others of which are from other medical providers and have been available to the Department upon request. In addition, I identified for respondents the specific 16 pages of records that I seek to lodge with this Court when I inquired as to whether they would object to my lodging them with the Court. After I provided to them, at their request, the entire set of records that we reviewed, respondents informed me that they intend to oppose my request to lodge any of the records.

These records are relevant to the issues in this case and concern recent attempts by medical personnel to obtain IV access while treating complications from Mr. Bucklew having contracted bacterial meningitis, as well as information about the status of his breathing. Both petitioner and respondents have referred to these developments in their briefing. *See* Pet. Br. 7 n.2; Resp. Br. 12–13.

Mr. Bucklew respectfully submits that, without access to these records, the Court will be less than fully informed about the difficulties medical professionals have had in obtaining IV access to treat Mr. Bucklew. In addition, respondents have offered present-tense assertions about the ease with which Mr. Bucklew breathes while seeking prison medical care. Resp. Br. 9. The



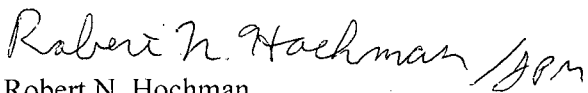
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records Mr. Bucklew intends to lodge would substantially assist the Court in evaluating these assertions and provide a more complete understanding of Mr. Bucklew's medical condition.

In accordance with Rule 32.3, the material proposed to be lodged will not be submitted until and unless requested by the Clerk. Also, in accordance with Rule 32.3 this letter has been sent to counsel of record for respondents.

Very truly yours,

  
Robert N. Hochman

cc: D. John Sauer, State Solicitor

**PROOF OF SERVICE**

I, Robert N. Hochman, do hereby certify that on this sixth day of September, 2018, I caused the foregoing to be served by first class mail, postage prepaid, and by email, on the following parties:

D. JOHN SAUER  
JOSHUA M. DIVINE  
JULIE MARIE BLAKE  
PETER T. REED  
MICHAEL JOSEPH SPILLANE  
OFFICE OF THE ATTORNEY GENERAL  
Supreme Court Building  
207 West High St.  
P.O. Box 899  
Jefferson City, MO 65102  
(573) 751-3321  
john.sauer@ago.mo.gov

*Robert N. Hochman / JNH*  
Robert N. Hochman

RECEIVED  
SUPREME COURT OF THE  
US POLICE OFFICE

2018 SEP -6 P 3:38

*Sent*  
*B1*