

IN THE SUPREME COURT OF THE UNITED STATES

Ronson Bush, )  
Petitioner, ) No. \_\_\_\_\_  
)  
v. )  
)  
Mike Carpenter, Warden, )  
Respondent. )

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

To the Honorable Sonya Sotomayor, Associate Justice of the Supreme Court of the United States and Circuit Justice for the Tenth Circuit:

Pursuant to 28 U.S.C. § 2101(c) and Rules 13.5 and 30.1 of the Rules of this Court, Petitioner Ronson Bush respectfully requests a 60-day extension of the deadline, or until January 27, 2020, to file his petition for certiorari in this Court. The deadline for Mr. Bush’s petition for certiorari began to run on August 29, 2019, when the Tenth Circuit denied Mr. Bush’s timely filed petition for rehearing, and Mr. Bush’s petition for certiorari is presently due on November 27, 2019. This application is being filed more than 10 days before that date.

A copy of the Tenth Circuit’s decision affirming the district court, as well as its order denying rehearing are attached hereto. The jurisdiction of this Court is invoked under 28 U.S.C. § 1254(1).

As shown by the opinion below, this is a capital habeas corpus case, and Mr. Bush is an Oklahoma prisoner under a sentence of death. The Tenth Circuit correctly recognized that Mr. Bush’s capital sentencing hearing was conducted in

“egregious” violation of the Eighth Amendment and that the Oklahoma Court of Criminal Appeals’s decision denying relief to Mr. Bush on direct appeal contradicted the clearly established precedent of this Court. *Bush v. Carpenter*, 926 F.3d 644, 666–68 (10th Cir. 2019). But the Tenth Circuit incorrectly dismissed the egregious errors in Mr. Bush’s case as harmless. This case will present important questions about the application of *Brecht v. Abrahamson*, 507 U.S. 619 (1993), and, in particular, whether the Tenth Circuit’s decision denying relief is consistent with *Brecht’s* recognition that “a deliberate and especially egregious error . . . , or one that is combined with a pattern of prosecutorial misconduct, might so infect the integrity of the proceeding as to warrant the grant of habeas relief, even if it did not substantially influence the jury’s verdict.” *Id.* at 638 n.9.

Due to other pressing professional responsibilities, counsel for Mr. Bush cannot complete a competent petition for certiorari by the present due date. Since the Tenth Circuit denied relief to Mr. Bush, the undersigned has been involved in intense litigation across multiple cases and multiple courts in the wake of this Court’s decision in *United States v. Davis*, 139 S. Ct. 2319 (2019). The undersigned prioritized working on these cases because a number of his *Davis* clients, including but not limited to the prisoners in *In re Eccleston*, No. 16-2126 (10th Cir.), *United States v. Lawless*, No. 17-1148 (10th Cir.), and *United States v. Hall*, 18-1241 (10th Cir.), have already “overserved” the amount of imprisonment likely to be imposed at a resentencing if they are granted relief under *Davis*. To give a sense of the urgency of these matters, the Tenth Circuit expedited the appeal in *Lawless*, and then the

district court (on the undersigned's motion) took the extraordinary step of granting Mr. Lawless bail pending a final disposition of his post-conviction motion.

Counsel has also been laboring under other urgent professional responsibilities that he could not delay to allow him to work on Mr. Bush's petition for certiorari. For example, counsel had to prepare for and participate in oral argument in September in *United States v. Williams*, No. 18-1299 (10th Cir.), a complicated appeal presenting a question of first impression for the Tenth Circuit that is the subject of a three-way circuit split among the other courts of appeals. And counsel must prepare for and present oral argument later this month in *United States v. Tony*, No. 18-2182 (10th Cir.), a first-degree murder case in which the defendant was sentenced to life imprisonment. In addition, counsel had to meet a briefing deadline of October 21, 2019, which could not be further extended, in *United States v. Moses*, No. 19-6036 (10th Cir.). And he must meet another briefing deadline of December 16, 2019, which cannot be further extended, in *United States v. Wieck*, No. 19-6075 (10th Cir.).

The undersigned needs additional time to prepare a competent petition for certiorari for Mr. Bush in this case, which is literally a matter of life and death.

Further, the State of Oklahoma would not be prejudiced by an extension of time. There is a de facto moratorium on the death penalty in Oklahoma, which doesn't even have an operative execution protocol. Accordingly, an extension of time would not delay Oklahoma's ability to set an execution date for Mr. Bush should

this Court deny review. For the same reason, it is plain that this application is not being filed for the purpose of delay.

For these reasons, counsel for Mr. Bush respectfully requests a 60-day extension of time, or until January 27, 2020, to file his petition for certiorari in this Court.

Respectfully submitted,  
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