

No. 20-1009

IN THE
Supreme Court of the United States

DAVID SHINN, ET AL.,
Petitioners,

v.

DAVID MARTINEZ RAMIREZ AND BARRY LEE JONES,
Respondents.

ON WRIT OF CERTIORARI TO
THE UNITED STATES COURT OF APPEALS
FOR THE NINTH CIRCUIT

**JOINT APPLICATION FOR LEAVE TO EXCEED WORD LIMITS FOR
RESPONDENTS' MERITS BRIEF AND PETITIONERS' REPLY BRIEF**

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Pursuant to Supreme Court Rules 22 and 33.1(d), the parties jointly and respectfully request that they be granted leave to exceed the word limits for Respondents' brief on the merits and Petitioners' reply brief. Respondents, David Martinez Ramirez and Barry Lee Jones, request leave to file a brief on the merits not to exceed 15,000 words. Petitioners, David Shinn (Director of the Arizona Department of Corrections, Rehabilitation, and Reentry) and Walter Hensley (Warden of the Arizona State Prison Complex-Eyman), request leave to file a reply brief not to exceed 7,000 words.

1. Respondents are two death-sentenced prisoners in Arizona who are challenging their state convictions and sentences by a writ of habeas corpus in federal court. Both cases have lengthy and complex individual histories. The United States Court of Appeals for the Ninth Circuit issued separate opinions in each.

2. When Petitioners filed a petition for a writ of certiorari requesting this Court's review of those opinions, they invoked Rule 12.4 of this Court to consolidate the cases into a single petition.

3. On May 17, 2021, this Court granted that petition, and the cases remain consolidated.

4. A modest expansion of the word limit for Respondents' brief on the merits is appropriate so that Respondents may thoroughly present the issues in each case and thereby aid the Court's review. Respondents will be addressing in a single brief two separate capital cases with lengthy individual histories and unique,

complex legal issues. Respondents therefore respectfully request leave to file a merits brief not to exceed 15,000 words—2,000 words more than the 13,000-word limit imposed by Rule 33.1(g).

5. A modest corresponding expansion of the word limit is also appropriate for Petitioners’ reply brief, for similar reasons. Accordingly, Petitioners respectfully request to file a reply brief not to exceed 7,000 words—1,000 words more than the 6,000-word limit imposed by Rule 33.1(g).

6. As Rule 33.1(d) requires, this application is being submitted more than 15 days before the date on which Respondents’ merits brief is due, which is September 13, 2021, and Petitioners’ reply brief is due, which is October 13, 2021.

Date: July 14, 2021

Respectfully submitted,

/s/ Robert M. Loeb

Robert M. Loeb

Counsel of Record for Respondents

Respectfully submitted,

/s/ Lacey Stover Gard

Lacey Stover Gard

Counsel of Record for Petitioners