

No. \_\_\_\_\_

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IN THE  
**Supreme Court of the United States**

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RICHARD SANSBURY,  
*Petitioner,*

v.

UNITED STATES OF AMERICA,  
*Respondent.*

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**PETITIONER'S APPLICATION FOR EXTENSION OF TIME TO FILE  
PETITION FOR WRIT OF CERTIORARI**

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To: The Honorable Samuel A. Alito, Jr., Associate Justice of the Supreme Court and Circuit Justice for the Fifth Circuit.

Pursuant to Title 28, United States Code, Section 2101(c) and Supreme Court Rule 13.5, Petitioner Richard Sansbury respectfully requests that the time to file a Petition for a Writ of Certiorari in this case be extended for 58 days, to and including November 3, 2023.

**Basis for Jurisdiction**

The district court had original jurisdiction over this criminal action pursuant to 18 U.S.C. § 3231. Petitioner pleaded guilty to committing and conspiring to commit a robbery involving a controlled substance, as well as to discharging a firearm in furtherance of a crime of violence, in violation of 18 U.S.C. §§ 924(c)(1)(A)(iii) and 2118(a).

The Fifth Circuit had jurisdiction over the direct appeal under 18 U.S.C. § 3742(a) and 28 U.S.C. § 1291. The Fifth Circuit issued its unpublished decision on

May 1, 2023, affirming Petitioner’s conviction and sentence. Petitioner filed a timely petition for rehearing en banc, seeking further review of issues related to Petitioner’s sentence. The petition was denied on June 8, 2023.

This Court has the power to grant or deny this motion pursuant to 28 U.S.C. § 2101(c), and it will have jurisdiction to review the Fifth Circuit’s judgment under 28 U.S.C. § 1254(1). The current deadline for a petition for writ of certiorari is September 6, 2023.

### **Judgment to be Reviewed and Opinion Below**

The Fifth Circuit panel’s opinion is available at *United States v. Sansbury*, 66 F.4th 612 (5th Cir. 2023), reprinted as the appendix (1a–5a).

### **Reasons for Granting an Extension**

Petitioner requests an extension because Petitioner’s counsel has been fully occupied with other assigned matters and currently is experiencing a larger than normal workload that includes preparation for an upcoming oral argument that is unusually complex and conflicts with the deadline in this case. Additionally, the anticipated issue to be raised in this petition involves a complex circuit split over the meaning of a broadly applicable term that is used throughout the criminal code and Sentencing Guidelines.

Currently, counsel is scheduled to appear for oral argument in the Fifth Circuit on September 7, 2023, i.e., the day after the deadline in this case. That appeal arises from a large-scale and unusually complex financial fraud trial, requiring preparation as to seventeen legal issues and review of a voluminous record that includes over

15,000 pages of trial exhibits alone. Sadly, the co-defendant in the case passed away unexpectedly, and, accordingly, counsel now is solely responsible for oral argument as to each issue raised in the appeal. Moreover, the Eastern District of Louisiana Federal Public Defender's Office has experienced a larger than usual volume of appeals in recent months, leading to numerous conflicting deadlines. Those deadlines include at least four briefing deadlines within the next month alone. That has required counsel to prioritize cases and stagger deadlines to ensure that each case receives adequate attention. Additionally, one of the attorneys at the Eastern District of Federal Public Defender's Office recently left the office, requiring undersigned counsel and others to absorb his substantial caseload. As a result, undersigned counsel has multiple sentencing hearings scheduled this week, each of which required the filing of memorandum and objections. Undersigned counsel also serves as second chair on two anticipated trials in the district court.

Counsel has been working diligently to balance this larger than usual workload and the preparation of a petition in this case and had planned to submit the Petition before the current deadline. However, after working through the past weekend, it became apparent that additional time is necessary to complete the petition, while also providing adequate attention to other assigned cases. Notably, the anticipated issue to be raised in this Petition—namely, the definition and application of the term “abduction”—is the subject of widespread confusion and a circuit split that requires additional research beyond what was necessary for presentation to the Fifth Circuit below. This anticipated issue also impacts many areas of the criminal code and

Sentencing Guidelines beyond the provision at issue in Petitioner's case. Accordingly, counsel realized that it is necessary to broaden the scope of the research and briefing involved in order to fully and accurately present the scope and impact of the issue to this Court. Given the importance of this issue and additional research required, Petitioner's counsel needs additional time to research the full landscape of precedent in order to adequately present to this Court the reasons it should review the issues.

### CONCLUSION

For all these reasons, Petitioner and undersigned counsel respectfully request that the Court grant an extension 58 days to file the petition for writ of certiorari, to and including November 3, 2023.

Respectfully submitted this 28<sup>th</sup> day of August, 2023.

/s/ Celia C. Rhoads  
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