

No.

IN THE
Supreme Court of the United States

ADAM DENSMORE,
Petitioner,
v.

THE PEOPLE OF THE STATE OF COLORADO,
Respondent.

PATRICK FRAZEE,
Petitioner,
v.

THE PEOPLE OF THE STATE OF COLORADO,
Respondent.

**APPLICATION TO THE HON. NEIL M. GORSUCH FOR A 30-DAY
EXTENSION OF TIME WITHIN WHICH TO FILE A PETITION FOR A WRIT
OF CERTIORARI TO THE CALIFORNIA COURT OF APPEAL**

Pursuant to Supreme Court Rule 13.5, Applicants Adam Densmore and Patrick Frazee request a 30-day extension of time, to and including June 11, 2025, within which to file a petition for a writ of certiorari.

1. Applicants will seek review in this Court of the judgments in *Densmore v. People* and *Frazee v. People*. A copy of the Colorado Supreme Court's decision upholding the trial court's order denying Densmore's motion to suppress, No. 23SC81 (Colo. Feb. 10, 2025), is attached as Exhibit A. A copy of the Colorado Supreme Court's decision affirming the trial court's judgment, No. 23SC85 (Colo. Feb. 10,

2025), is attached as Exhibit B. Unless extended, Applicants' time to seek certiorari in this Court expires May 12, 2025. Applicants are filing this application at least ten days before that date. *See* S. Ct. R. 13.5. This Court's jurisdiction would be invoked under 28 U.S.C. § 1257(a).

2. Counsel for Colorado, Respondent in both cases, Brittany Limes Zehner, Senior Assistant Attorney General/Assistant Solicitor General, has stated that the State does not object to this extension request.

3. Good cause exists for an extension. Applicants have recently retained the undersigned as new counsel and therefore seeks a 30-day extension to June 11, 2025, so that counsel can review the full records in these cases, coordinate with co-counsel, and prepare a joint petition.

4. An extension is further justified by counsel's press of business on other pending matters. Among other things, counsel has a reply brief in *Johnson & Johnson v. Fortis Advisors* (Del. S. Ct. No. 490, 2024) due April 18, oral argument in *Cor-teva Agriscience LLC v. Monsanto Co.* (Del. S. Ct. No. 433, 2024) to present on May 14, a brief in opposition in *Havana Docks Corp. v. Royal Caribbean Cruises, Ltd.* (U.S. No. 24-983) due May 23, and a brief in opposition in *Patricia Guerrero, et al. v. Stephen Moreland Redd* (U.S. No. 24-948) due May 28.

5. In addition, an extension is warranted because these cases present an important question of law on which the lower courts are divided. Specifically, the cases ask, under what circumstances is a child welfare caseworker, who interrogates an individual in custody for crimes involving the child's mother, an agent of

law enforcement subject to the requirements of *Miranda v. Arizona*, 384 U.S. 436 (1966). In both of these cases, Applicants were subjected to custodial interrogations by caseworkers and had their statements used against them in their criminal trials. In holding there was no *Miranda* violation, the Colorado Supreme Court departed from this Court's decisions in *Mathis v. United States*, 391 U.S. 1 (1968), and *Estelle v. Smith*, 451 U.S. 454 (1981), on grounds that deepen division in the state courts of last resort and the federal courts of appeals. An extension of time will help to ensure that the petition lucidly and thoroughly presents the important and complicated issues raised by the Colorado Supreme Court's decisions.

6. The requested 30-day extension would cause no prejudice to Respondents, who, as noted above, have advised that they have no objection to the extension.

Respectfully submitted,

/s/Robert M. Loeb

Robert M. Loeb

Counsel of Record

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