

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

---

IN THE  
SUPREME COURT OF THE UNITED STATES

---

STATE OF MINNESOTA,

*Applicant,*

v.

SENECA WARRIOR STEEPROCK,

*Respondent.*

---

**APPLICATION FOR EXTENSION OF TIME TO FILE  
PETITION FOR WRIT OF CERTIORARI TO THE  
MINNESOTA SUPREME COURT**

---

KEITH ELLISON  
MINNESOTA ATTORNEY GENERAL

BY: THOMAS R. RAGATZ  
*Counsel of Record*  
Assistant Attorney General  
Manager, Appeals Division  
MN License No. 0236822

KIMBERLY J. MAKI  
St. Louis County Attorney  
Duluth County Courthouse  
100 North Fifth Avenue West, #501  
Duluth, Minnesota 55802

COUNSEL FOR APPLICANT

To the Honorable Brett M. Kavanaugh, Associate Justice of the Supreme Court of the United States and Circuit Justice for the Eighth Circuit:

**Requested Extension:** Pursuant to Rules 13.5, 21, 22, and 30.2 of this Court, applicant State of Minnesota respectfully requests that the time to file a petition for a writ of certiorari to the Minnesota Supreme Court be extended by 29 days, to and including April 16, 2026.

**Judgment Sought to be Reviewed:** The Minnesota Supreme Court issued its opinion reversing respondent Seneca Steeprock's convictions on December 3, 2025; it entered judgment on December 18. A copy of the opinion is attached. Absent an extension, a petition for writ of certiorari is due March 18.

**Rule 13.5 Elements:** As per the requirements of Rule 13.5, this application has been filed more than 10 days before the March 18, 2026 deadline for filing, this Court's jurisdiction is being invoked under 28 U.S.C. § 1254(1), and a copy of the Minnesota Supreme Court's opinion for which review is sought is attached.

**Background:** This case involves the attempted first-degree murder and unlawful-firearm-possession convictions of respondent in St. Louis County, Minnesota. The victim was shot 15 times and suffered life-threatening injuries. Following respondent's arrest, the district court signed an order in accordance with Minnesota Rule of Criminal Procedure 9.02, which allows a court to issue a nontestimonial identification order ("NTO") after a defendant has been charged. *Id.* at subd.2. In Minnesota and some other states, NTOs are a discovery tool used to obtain identification evidence like saliva, handwriting samples, and photographs. In accordance with Rule 9.02, which requires a motion, notice to defense, and the State's demonstration that the evidence sought would "materially aid in determining whether the defendant committed the offense charged," the district court signed an order authorizing the collection of a buccal swab for DNA from respondent. The sample linked him to a gun used in the commission of the crime. A jury found respondent guilty as charged.

The Minnesota Court of Appeals reversed respondent's convictions, and the supreme court affirmed. Both appellate courts held that the collection of a buccal swab for respondent's DNA pursuant to a NTO violated his constitutional rights because the State did not obtain a search warrant. Both courts also rejected the application of the inevitable-discovery doctrine, despite the State's arguments that, but for following Minnesota Rule of Criminal Procedure 9.02 and obtaining a judicial order for respondent's DNA through that discovery procedure, the State could have lawfully applied for and obtained a search warrant for this always available, unchanging evidence.

Minnesota is now in conflict with other states that have reviewed similar NTOs and found them constitutional. Further, while reaching differing conclusions regarding the application of the inevitable-discovery doctrine, both the majority and the dissent here point to this Court's reasoning in *Nix v. Williams*, 467 U.S. 431 (1984). This Court has not meaningfully addressed the application of inevitable discovery since *Nix*, which emphasized the need for "demonstrated historical facts." *Id.* at 444 n.5 (1984). This Court's 30-plus-year silence has left widely varying thresholds of "inevitably." By converting "historical facts" into a "contemporaneous efforts" prerequisite, Minnesota now imposes an extraordinarily high bar that conflicts with *Nix* and destabilizes the admissibility of this unique type of evidence: identity evidence (like DNA), which is unchanging and always available.

**Request:** Good cause exists for a 29-day extension to file a petition for writ of certiorari. Since December 18, I have had my usual responsibilities as manager of the Minnesota Attorney General's Office Appeals Division, which include reviewing numerous briefs filed by my division, and judging a large number of mock oral arguments, among other things. I have also filed briefs in the Minnesota Court of Appeals and Minnesota Supreme Court, and filed a petition for further review in the Minnesota Supreme Court. Further, I have had to devote unanticipated time to a personnel matter in my division and to unpredictable and novel legal issues that have recently arisen in the Twin Cities. Finally, I was

out of the office for 15 weekdays. The requested extension will ensure that I have time to fully address the important issues in this case.

### CONCLUSION

For all these reasons, applicant respectfully requests that the time to file the petition for a writ of certiorari in this matter be extended 29 days, up to and including April 16, 2026.

Dated: March 6, 2026

Respectfully submitted,

KEITH ELLISON  
Minnesota Attorney General

s/ Thomas R. Ragatz  
THOMAS R. RAGATZ  
Assistant Attorney General  
MN License No. 0236822

445 Minnesota Street, Suite 600  
St. Paul, Minnesota 55101-2125  
(651) 757-1303  
Tom.Ragatz@ag.state.mn.us

*Counsel of Record for Applicant*