

No. _____

In the Supreme Court of the United States

**CHRISTOPHER CARROLL AND WHISKEY DIX BIG TRUCK
REPAIR, LLC,
PETITIONERS**

v.

**THE UNITED STATES OF AMERICA,
RESPONDENT**

On Application for Extension of Time to File a Petition for a Writ of Certiorari to the United States Court of Appeals for the Eighth Circuit

APPLICATION FOR AN EXTENSION OF TIME

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

Pursuant to 28 U.S.C. § 2101(c) and Supreme Court Rule 13.5, Petitioners Christopher Carroll and Whiskey Dix Big Truck Repair, LLC, respectfully request a 60-day extension of time to file their petition for a writ of certiorari with this Court, to and including July 13, 2026.

1. Under this Court's Rule 13.1, a petition for a writ of certiorari is timely when it is filed with the Clerk of this Court within 90 days after entry of judgment by a United States Court of Appeals. The United States Court of Appeals for the Eighth Circuit issued its panel opinion affirming petitioners' convictions in the underlying matter on February 11, 2026. *See United States v. Christopher Carroll, et al.*, 167 F.4th 483 (8th Cir. 2026). No rehearing was sought. This makes the effective judgment date February 11, 2026, and the time for filing a petition for a writ of certiorari in this

Court expires on May 12, 2026. This application for an extension of time is being filed more than 10 days before that date. *See* S. Ct. R. 13.5. This Court has jurisdiction under 28 U.S.C. § 1254(1) to review the Eighth Circuit's decision.

2. This case arises from the United States District Court for the Eastern District of Missouri. In 2021, Petitioner Carroll was indicted on bank fraud and money laundering charges stemming from an alleged Paycheck Protection Program loan fraud scheme. In June, 2023, the Government obtained a superseding indictment which added as a defendant Whiskey Dix Big Truck Repair, LLC, a trucking company managed by Petitioner Carroll, and which included additional counts against both petitioners alleging EPA violations and charges of witness tampering related to the EPA counts. Petitioners moved to dismiss the indictments on the ground that the grand jury had returned indictments under an unconstitutional standard of proof and that the indictments were invalid and a nullity. Their motion to dismiss the indictments was denied by the District Court, and Petitioners sought to take an interlocutory appeal to the United States Court of Appeals for the Eighth Circuit to raise the issue. The Eighth Circuit denied the request for an interlocutory appeal and then denied Petitioners' Petition for Rehearing En Banc and by Panel. *See U.S. v. Carroll, et al.*, No. 24-1773 (8th Cir., May 6, 2024).
3. After a five-day jury trial, Petitioners were convicted on all counts. On February 11, 2025, the District Court sentenced Petitioner Carroll to 108 months in prison and ordered him to make restitution of more than \$3 million; Whiskey Dix Big Truck Repair, LLC was sentenced to probation.

4. Petitioners filed a timely appeal to the United States Court of Appeals for the Eighth Circuit, arguing, as they did before the District Court and in their application for an interlocutory appeal, that the indictment violated the Fifth Amendment because the contemporary understanding in 1791 required that the grand jury apply a higher standard of proof than probable cause. The Eighth Circuit affirmed the convictions on February 11, 2026, rejecting Petitioner's Fifth Amendment argument. Petitioners will file a petition for a writ of certiorari from this February 11, 2026 judgment.
5. This case presents two important questions which warrant this Court's review:
 - Whether the Fifth Amendment's Grand Jury Clause – given the founding-era understanding as shown by the history of the grand jury, the instructions of sitting Justices to the first federal grand juries, and contemporaneous legal authorities – requires a standard of proof higher than probable cause for a federal grand jury to return an indictment.
 - Whether the Eighth Circuit erred in holding that the Fifth Amendment permits a grand jury to indict on a finding of probable cause – contravening the original public understanding of the Grand Jury Clause – by treating as binding the dicta of later decisions of this Court rather than applying this Court's directive to construe constitutional guarantees in accordance with their founding-era meaning.

6. Petitioners have only recently obtained approval to file a Petition for a Writ of Certiorari from the insurance sources providing their defense. Counsel have worked actively on the draft of the certiorari petition but need more time to complete the work, which includes extensive historical research on the Fifth Amendment and the charges given founding-era grand juries, additional research on the proper analytic framework for interpretation of the Fifth Amendment to the Constitution, and further research rebutting the dicta analysis the Eighth Circuit relied on in its panel opinion. Additionally, the press of other matters has made and will continue to make the submission of the petition difficult, absent an extension. Counsel of Record and the attorneys assisting in the preparation of the Petition for a Writ of Certiorari have trial settings for March 23, April 6, April 13, and April 27, 2026; these trials are scheduled to last between one and three weeks. Counsel for Petitioners respectfully submit that their need to conduct further research and the press of existing business, including their trial schedules, establishes good cause for an extension of time. The additional time will ensure that counsel can conduct the research required to present the issues in a thorough and professionally responsible manner.
7. This is Petitioners' first request for an extension of time to file the petition for a writ of certiorari, and counsel do not anticipate the need to request any further extensions. Mr. Carroll is incarcerated, and granting this motion will not prejudice Respondent. The United States has been served with notice of this motion in accordance with the Rules of this Court.

CONCLUSION

For the foregoing reasons, Petitioners respectfully request that an order be entered extending the time to file a petition for a writ of certiorari by sixty days, up to and including July 13, 2026.

Respectfully Submitted,

/s/ James F. Bennett

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Dated: March 20, 2026