

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

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IN THE  
SUPREME COURT OF THE UNITED STATES

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DEMECCIO CASTON, *Petitioner*

*v.*

STATE OF LOUISIANA, *Respondent*

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ON WRIT OF CERTIORARI TO THE  
LOUISIANA FOURTH CIRCUIT COURT OF APPEALS

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UNOPPOSED MOTION TO EXTEND TIME TO FILE  
PETITION FOR A WRIT OF CERTIORARI

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## **OPINIONS BELOW**

This a writ from the opinion of the Louisiana Fourth Circuit denying Mr. Caston's direct appeal affirming his murder conviction. The opinion is at *State v. Caston*, 23-0539 (La. App. 4 Cir. 02/24/25), 2025 La. App. LEXIS 302 and attached as Appendix A. Discretionary review was summarily denied by the Louisiana Supreme Court on May 29, 2025, whose order is available at *State v. Caston*, 25-384 (La. 05/29/25), 2025 La. LEXIS 793, and is attached as Appendix B.

## **JURISDICTION**

Petitioner invokes this Court's jurisdiction to grant the Petition for a Writ of Certiorari to the Louisiana Supreme Court on the basis of 28 U.S.C. § 1257(a). The Louisiana Supreme Court denied Petitioner's petition for a writ for certiorari on May 29, 2025. This motion is filed greater than ten days before the petition is due.

## **UNOPPOSED REQUEST FOR EXTENSION OF TIME TO FILE PETITION FOR CERTIORARI**

Petitioner respectfully requests an extension of sixty (60) days of the time to file a petition for certiorari from the current date of August 27, 2025, to October 26, 2025. Undersigned counsel has conferenced this request with Assistant District Attorney Zachary Phillips, counsel for Respondent, and he has advised that the request for extension is not opposed.

This case presents the following question: In Petitioner's case, the Louisiana Fourth Circuit Court of Appeals announced a change in prior law that inculpatory

hearsay statements made by witnesses that do not testify at trial now may be admitted through a lead investigator to explain his or her investigation. The Louisiana Supreme Court denied a petition for certiorari to review this decision. Shortly after affirming Mr. Caston's conviction, the Louisiana Fourth Circuit reaffirmed this understanding of the new rule affirming another murder conviction on this basis. The question presented is whether permitting introduction of inculpatory evidence of a non-testifying witness through an investigating officer violates the Confrontation Clause as espoused in *Crawford v. Washington*, 541 U.S. 36 (2004)?

Petitioner requests this extension in light of undersigned counsel's workload and his associate's unexpected hospitalization and severe illness during the period from the Louisiana's ruling to the current deadline. Undersigned counsel is the sole partner at his law firm and employs one associate. The professional obligations period from the Louisiana Court's ruling include the following: Counsel is appointed under the CJA to the direct appeal of murder of a federal witness conviction in *United States v. Age, et al.*, 22-30656 (5th Cir.) where the Fifth Circuit denied rehearing by the panel and rehearing *en banc* on May 30, 2025. *United v. Age*, 22-30656 (5th Cir. May 30, 2025), 2025 U.S. App. LEXIS 13264\*. Undersigned counsel plans to file a petition for certiorari with this Court that is due on August 28, 2025. Undersigned counsel volunteered *pro bono* to represent an eleven-year-old in a prosecution for two counts of first-degree murder, which only resolved with a plea on July 28, 2025—the morning of trial—after substantial litigation and preparation. *In re: H.M.*, J5300-24.1; J5300-

24.2 (Minden City Court, State of Louisiana, Juvenile Division). Undersigned counsel supervised his associate's first appellate oral argument on August 6, 2025 in *State v. McGee*, 2024-KA-642 (La. App. 4 Cir.). In a §1983 civil rights matter where the mother of undersigned counsel's client died in custody due to the jail's failure to provide her heart medication, due to scheduling order deadlines, more than fifteen depositions—including six experts—and related discovery has been conducted since June 3, 2025, which only concluded last week. *Scott v. City of Baton Rouge, et al*, 3:22-CV-488 (M.D. La.). Dispositive motions and *Daubert* motions by all parties are due on August 15, 2025. Undersigned counsel had due and submitted a petition for certiorari in another murder case before the Louisiana Supreme Court on June 10, 2025. *State v. Shorts*, 2025-K-735 (La.). The matter remains pending before that Court. Undersigned counsel represents an exonerated man who wrongfully spent thirty-six (36) years in prison in a §1983 action against the offending officer, the district attorney, and the City of New Orleans. *Flanks v. City of New Orleans, et al.*, 23-CV-6897. After the district court unexpectedly denied an unopposed motion of Plaintiff to continue the trial date, all parties in the matter are being forced to expend significant time and effort to meet the present discovery and expert deadlines, including conducting six depositions thus far in August 2025 with more scheduled in the coming weeks. Undersigned counsel also accepted two recent CJA appointments that have required substantial time and effort—one is a public bribery case with a trial date in November, *United States v. Claus*, 24-155 (E.D. La.), and another with a foreign national alleged to have been smuggling more than twenty kilograms of

cocaine into New Orleans two weeks ago. Since the indictment remains under seal, undersigned counsel will refer this Court to the case number, 25-199 (E.D. La) without naming the defendant. These specific obligations are on top of undersigned counsel's other ongoing cases—including multiple appointed murder defense, e.g. *United States v. Harris*, 24-105 (E.D. La.) (CJA pretrial appointment where undersigned counsel's client is charged with conspiring to murder a federal witness); *State v. Ronnell Handy*, Case. No. 565-238, Section "L", Orleans Parish Criminal District Court (client is a juvenile charged with second-degree murder presently in pretrial litigation and discovery); *State v. Mills*, No. 589075, 22nd Judicial District Court of Louisiana (undersigned counsel *pro bono* represents a client in his second-degree murder prosecution that was reset from August 4, 2025 to November 2025).

These professional obligations were greatly complicated when undersigned counsel's sole associate was admitted into the hospital with severe illness from which she is still recovering. As a result of this unexpected development, in combination with undersigned counsel's existing workload, counsel respectfully submits this request for an extension of time in which to file Mr. Caston's petition for certiorari.

## CONCLUSION

Petitioner respectfully requests that this Court grant an extension of sixty (60) days for the filing of his petition for certiorari.

Respectfully submitted,

/s/ Christopher J. Murell

**Christopher J. Murell**, *Counsel of Record*  
Attorney for Petitioner

Dated: August 15, 2025