

No. 25A_____

In the

Supreme Court of the United States

Robert Armemdaris,
Applicant,

v.

State of Arizona,
Respondent.

Application for an Extension of Time to file a Petition for Writ of Certiorari To the Arizona Court of Appeals

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Application

To the Honorable Elena Kagan, Associate Justice of the United States Supreme Court and Circuit Justice for the Ninth Circuit:

Petitioner Robert Armendaris respectfully requests an extension of time of 30 days to file a petition for writ of certiorari in this case, from January 1, 2026, to and including January 31, 2026.

1. The Arizona Court of Appeals issued its published opinion on March 13, 2025 (Appendix A). Mr. Armendaris filed a petition for review in the Arizona Supreme Court. The Arizona Supreme Court denied review on October 3, 2025 (Appendix B). This created a petition deadline of January 1, 2026.

2. The Office of the Arizona Attorney General **does not object** to this requested extension.

3. This application is being filed more than 10 days before the present due date as required by Supreme Court Rule 13.5. This Court would have jurisdiction to entertain the petition for certiorari under 28 U.S.C. § 1257(a).

4. Arizona authorizes juries of just 8 people for any case where a defendant faces less than 30 years in prison. The state passed a constitutional amendment to authorize this practice in the wake of this Court's decision in *Williams v. Florida*, 399 U.S. 78 (1970).

5. Mr. Armendaris faced charges for multiple sex offenses and faced up to 8.75 years in prison. Before trial, he requested a jury of 12 people. He argued that

Williams is inconsistent with this Court’s more recent decision in *Ramos v. Louisiana*, 140 S.Ct. 1390 (2020).

6. The trial court denied Mr. Armendaris’s request for a 12-person jury. A jury of just 8 people convicted Mr. Armendaris.

7. In a published opinion, the Arizona Court of Appeals affirmed the trial court’s decision to proceed with an 8-person jury. *State v. Armendaris*, 567 P.3d 755 (Ariz. App. 2025) (Appendix A). The decision was premised primarily upon a reliance on *Williams* and Arizona jurisprudence that followed *Williams*. See *id.* at ¶ 19 (“But even if the Arizona Supreme Court or United States Supreme Court ultimately agrees with Armendaris’ position, this court is bound by the holdings in *Williams* and *Soliz*.”).

8. Mr. Armendaris filed a petition for review, which the Arizona Supreme Court denied. (Appendix B).

9. The opinion in this case warrants review. In fact, Justice Gorsuch has repeatedly called for a review of this very question. In 2022, Justice Gorsuch dissented from the denial of a writ of certiorari in *Khorrami v. Arizona*, 143 S.Ct. 22 (2022) (Gorsuch, J., dissenting from denial of certiorari). As Justice Gorsuch observed, “For almost all of this Nation’s history and centuries before that, the right to trial by jury for serious criminal offenses meant the right to a trial before 12 members of the community.” *Id.* at 27. But *Williams* “abandoned that ancient promise and enshrined in its place bad social science parading as law.” *Id.* And Justice would have granted the certiorari petition in *Khorrami* as well. See *id.* at 22.

And in 2024, Justice Gorsuch would have granted review in *Cunningham v. Florida*, 144 S.Ct. 1287 (2024) (Gorsuch, J., dissenting from denial of certiorari).

10. Additionally, both counsel listed above are new to this case. Counsel of record Steinfeld has taken over the case from another attorney in the Office of the Maricopa County Public Defender. Counsel McDonald and the Post-Conviction Clinic have only recently joined the case. An extension will allow counsel to research the relevant issues and prepare a petition that fully addresses the important question raised by the proceedings below.

For these reasons, Mr. Armendaris asks that an order be entered extending the time to file a petition for certiorari to and including January 31, 2026.

Respectfully submitted,

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