

No. _____

In the
Supreme Court of the United States

DESMOND HARRIS,

Petitioner,

v.

STATE OF MISSOURI,

Respondent.

Application to Justice Kavanaugh for Additional Time to File a Petition
for a Writ of Certiorari to the Missouri Supreme Court

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To Justice Brett M. Kavanaugh:

Petitioner Desmond Harris, through counsel, requests an additional 60 days in which to file a petition in this Court seeking certiorari to the Missouri Supreme Court. Specifically, he seeks an extension up to and including November 20, 2026. Petitioner makes this request under Supreme Court Rule 13.5.

Jurisdiction

This Court will have jurisdiction over any timely filed petition for certiorari pursuant to 28 U.S.C. § 1257(a). Petitioner is preparing to request this Court's review of the judgment issued by the Missouri Supreme Court on June 23, 2026, affirming his sentence for armed robbery and assault. A copy of the Missouri Supreme Court's Opinion is included in the Appendix (App. 1 — App. 16). Mr. Harris did not file a petition for rehearing or rehearing en banc. Therefore, under Rules 13.1, 13.3, and 30.1 of the Rules of this Court, his petition for writ of certiorari is due to be filed on or before September 21, 2026. Petitioner files this request at least 10 days before that date. *See* Supreme Court Rule 13.5.

Reasons for Application for Extension of Time

This case presents an important and recurring constitutional question: whether and under what circumstances a sentencing court may presume a person is guilty of conduct — even after they have been lawfully acquitted of that conduct by a jury — and consider that presumption of guilt in determining a person's sentence for other, unrelated crimes.

However, counsel of record below, Missouri State Public Defender Faith Katz, is not yet eligible for admission to the U.S. Supreme Court Bar, as she has only been licensed to practice law since September 25, 2024. *See* Supreme Court Rule 5.1.

As a result, Ms. Katz needed time to secure lead counsel for this petition for certiorari. Missouri State Public Defender Kathryn Merwald, a member of the U.S. Supreme Court Bar, has recently agreed to participate as counsel of record. Both Ms. Katz and Ms. Merwald are public defenders, appointed to represent dozens of people across the state of Missouri in direct appeals and state postconviction cases. Their work routinely involves driving more than 100 miles to meet with clients, interview witnesses, or attend court hearings. These demands on counsels' time will prevent counsel from preparing a competent and concise petition by the current deadline.

Additionally, Ms. Merwald is one of a handful of Missouri State Public Defenders who represent individuals who have been sentenced to death in state postconviction proceedings. She is currently lead postconviction counsel for two clients who have been sentenced to death. Due to the volume and complexity of her caseload, Petitioner also requests this 60-day extension so Ms. Merwald has sufficient time to get up to speed on the record and relevant law.

This request is made with no dilatory purpose. This request is made only to ensure Ms. Merwald and Ms. Katz can properly present the important federal constitutional questions raised in Petitioner's case, while continuing to provide effective representation in all other cases to which they are assigned.

Conclusion

For the foregoing reasons, Petitioner Desmond Harris respectfully requests a 60-day extension of time to file his petition for a writ of certiorari, up to and including Friday, November 20, 2026.

Submitted: August 31, 2026

Respectfully submitted,

/s/ Kathryn Merwald

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