

No. _____

In the

Supreme Court of the United States

Tiffany Fullerton,

Petitioner,

v.

United States,

Respondent.

PETITIONER'S APPLICATION FOR EXTENSION OF TIME
TO FILE PETITION FOR WRIT OF CERTIORARI

To the Honorable Samuel A. Alito, Jr., Associate Justice of the Supreme Court of
the United States and Circuit Justice for the Fifth Circuit:

Pursuant to Title 28, United States Code, Section 2101(c) and Supreme Court
Rule 13.5, Petitioner Tiffany Fullerton respectfully requests that the time to file a
Petition for a Writ of Certiorari in this case be extended by 30 days, to and
including November 18, 2026.

Basis for Jurisdiction

The district court had original jurisdiction over this criminal action pursuant to 18 U.S.C. § 3231. Ms. Fullerton was convicted of conspiracy to commit bank and conspiracy to commit money laundering. The Fifth Circuit affirmed the conviction and sentence and remanded for correction of a clerical error in the judgment in a published opinion filed on July 21, 2026. *United States v. Fullerton*, 184 F.4th 404 (5th Cir. 2026). No petition for rehearing was filed. The time to file a petition for a writ of certiorari therefore expires on October 19, 2026. No prior extension has been sought. This Court has the power to grant or deny this motion pursuant to 28 U.S.C. § 2101(c), and it will have jurisdiction to review the Fifth Circuit’s judgment under 28 U.S.C. § 1254(1).

Judgment to be Reviewed and Opinion Below

The Fifth Circuit’s panel opinion is published and available at *United States v. Fullerton*, 184 F.4th 404 (5th Cir. 2026).

Reasons for Granting an Extension

The question Ms. Fullerton intends to present is substantial and, so far as counsel has been able to determine, unaddressed by any court. The Fifth Circuit affirmed a two-level obstruction-of-justice enhancement under U.S.S.G. § 3C1.1 on a finding that Ms. Fullerton suborned perjury — not because she told the witness what to say, but because she knew what he would say and her attorneys called him and asked the questions that elicited it. The petition will argue that permitting a sentencing court to infer, from the defendant’s knowledge alone, that she directed her

counsel to present perjured testimony offends the Sixth Amendment: the inference turns on the content of attorney-client communications, it can be rebutted only by disclosing privileged material or by calling trial counsel as a witness adverse to her own client, and it exposes a defendant to additional punishment for her lawyer's ordinary investigative and witness-selection decisions. Counsel is conducting research to survey the treatment of this inference in the other courts of appeals and to determine whether any court has confronted the constitutional question. That work is underway but not complete. The requested extension would permit it to be finished, and the petition prepared with the care a question of this kind warrants.

Undersigned counsel has a number of pressing deadlines around the time of the Petition's current deadline. In the three weeks preceding this application, counsel filed the petition for a writ of certiorari in *Watson v. United States*, 5th Cir. No. 25-40440, on September 21, 2026. Counsel also has the following deadlines: the Reply Brief in *Bohannon v. Guerrero*, 5th Cir. No. 23-20468, is due September 30, 2026; the Supplemental *Anders* Brief in *United States v. Reyna*, 5th Circuit No. 25-20382, is due on October 5, 2026; the Initial Brief in *United States v. Adams*, 5th Circuit No. 26-60346, is due on October 7, 2026; and the Initial Brief in *United States v. Hunt*, 5th Circuit No. 26-10277, is due on October 28, 2026.

Additionally, counsel is scheduled to present oral argument in the following cases: *Jones v. State*, Texas Eleventh Court of Appeals No. 11-25-00066-CR, on September 30, 2026; *United States v. Lee*, 5th Cir. No. 25-11097, on October 6, 2026; *Grassie v. State*, Texas Seventh Court of Appeals No. 07-25-00164-CR, on October 13,

2026; *Montemayor v. State*, Texas Seventh Court of Appeals No. 07-25-00292-CR, on October 13, 2026; and *Neuser v. State*, Texas Court of Criminal Appeals No. PD-0981-25, on October 28, 2026. Counsel therefore requires an additional 30 days to review the record and prepare the petition with appropriate care.

Conclusion

For all these reasons, Petitioner and undersigned counsel respectfully request that the Court extend the deadline to file a petition for certiorari to November 18, 2026.

Respectfully submitted,

JESSICA GRAF
JESSICA GRAF, PLLC
11430 Quaker Ave
Ste 200 PMB 1027
Lubbock, TX 79424
(806) 370-8006
jessica@jessicagraflaw.com