
IN THE
Supreme Court of the United States

WILLIAM THORNTON,

Applicant,

v.

STATE OF MARYLAND

Respondent.

**Application for Extension of Time Within
Which to File a Petition for a Writ of Certiorari to
the Supreme Court of Maryland**

**APPLICATION TO THE HONORABLE CHIEF JUSTICE
JOHN G. ROBERTS JR., AS CIRCUIT JUSTICE**

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APPLICATION FOR EXTENSION OF TIME

Under this Court's Rule 13.5, Applicant William Thornton respectfully requests a 32-day extension of time within which to file a petition for a writ of certiorari, to and including Friday, November 20, 2026.

JUDGMENT FOR WHICH REVIEW IS SOUGHT

The judgment for which review is sought is *State v. Thornton & Dunbar*, 2026 WL 1846743 (Md. June 26, 2026) (updated July 21, 2026), attached as Exhibit 1.

JURISDICTION

This Court will have jurisdiction over any timely petition under 28 U.S.C. § 1257(a). The Supreme Court of Maryland denied a timely petition for rehearing on July 21, 2026 (Exhibit 2). Thus, under Rule 13.1, a petition to this Court is currently due by October 19, 2026. In accordance with Rule 13.5, undersigned files this application 10 days before that date.

REASONS JUSTIFYING AN EXTENSION OF TIME

1. This case involves an important question of constitutional law concerning the Sixth Amendment's public trial right. Pursuant to Sup. Ct. R. 10(c) the Supreme Court of Maryland has "decided an important federal question in a way that conflicts with relevant decisions of this Court." In this case, the Maryland Supreme Court failed to analyze the trial court's wholesale closure of the courtroom under this Court's controlling precedent in *Presley v. Georgia*, 558 U.S. 209 (2010) (per curiam).

2. After Thornton's jury began its deliberations in his murder trial, the trial court notified the parties that a codefendant Clark's father had spoken to Juror Number 11

in the hallway. T.12 (12/1/2022), at 93. Juror Number 11 informed the court that the father, a “[c]hildhood friend,” had briefly spoken to the juror in the hallway outside the courtroom – saying “what’s up” and informing the juror that he was Clark’s father. T.12, at 94–95. Juror Number 12 later informed the court that the elder Clark shook hands with Juror Number 11 and said “I’m tired of this s*** or something like that ... or something like that that didn’t have to do with the case or anything.” T.12 at 98–99. Juror Number 9 also witnessed the interaction and told the court that “[s]omeone approached someone, said their son was Anthony Clark.” T.12, at 103. None of the other jurors witnessed the incident in the hallway or were told about it by other jurors. T.12, at 100–03, 122–26. Jurors Numbers 9, 11, and 12 told the court that the incident would not affect their ability to be fair and impartial jurors. T.12, at 103–04.

3. Following the incident, the trial court judge cleared the court room and closed it completely, with the sole exception of allowing certain of Thornton’s family members to be present for the reading of the verdict. Thornton’s trial counsel immediately objected to the courtroom clearance and suggested that the trial court consider, as an alternative, excluding only Clark’s father as he was the only one who spoke to Juror 11.

4. The intermediate appellate court affirmed. After granting discretionary review, the Maryland Supreme Court also affirmed in a 4-3 opinion, which it later amended. See Exhibit 1. Although petitioner cited and discussed *Presley v. Georgia*, 558 U.S. 209 (2010) (per curiam), in his opening *and* reply briefs, the Maryland

Supreme Court did not even mention *Presley*. It is an important decision that elucidated this Court's requirement in *Waller v. Georgia*, 467 U.S. 39 (1984) by specifying that a trial court make on-the-record findings about its consideration of all "every reasonable measure to accommodate public attendance at criminal trials." *Presley*, 558 U.S. at 214–15. Here, the trial court failed to heed that admonition, including by closing the courtroom during an *Allen* charge and juror polling. The Maryland Supreme Court ignored that admonition entirely.

5. The question has been preserved throughout and there are no additional issues that would complicate or preclude this Court's review of this important and, unfortunately, recurring question of constitutional law. Accordingly, plenary review is warranted. In the alternative, this case is appropriate for summary reversal as the Court did in *Presley* itself. In light of a state high court's ignoring *Presley* altogether, the holding in *Presley* could use amplification.

6. An extension is also warranted to allow counsel time to coordinate and prepare a petition that will aid the Court's review of these issues. Applicant has invited the Carter G. Phillips Supreme Court Clinic and Northwestern Pritzker School of Law to assist with preparation of the petition. Because the academic year has recently begun, the Clinic students are just becoming familiarized with the caseload and functions of the clinic and the requirements of this Court. In addition, the Clinic is responsible for forthcoming petitions for writs of certiorari in *Nourian v. United States* (5th Cir. No. 25-10365) (currently due October 19); *Martinez v. United States* (9th Cir. No. 23-432) (currently due October 21); and *Darby v. United States* (3d Cir. No. 24-3091)

(currently due December 1). Undersigned counsel is also responsible for briefing and preparation for oral argument in *Guerrero v. Dexter Johnson* (No. 25-1003) (merits), preparation of an amici brief in *Alavarez v. Guerrero* (No. 26-279) (cert stage amicus), and motions to dismiss in *In re HVAC Equipment Antitrust Litigation*, No. 2:26-cv-10949 (E.D. Mich. 2026) (due October 9). An extension will thus help the Clinic faculty work with co-counsel to complete a cogent and well-researched petition while also discharging these other obligations.

CONCLUSION

For these reasons, Applicant respectfully requests a 32-day extension of time within which to file a petition for a writ of certiorari, to and including November 20, 2026.

Respectfully submitted,
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