

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

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IN THE  
**Supreme Court of the United States**

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DARNELL BOX,  
*Petitioner,*

vs.

STATE OF ARIZONA,  
*Respondent.*

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**ON APPLICATION FOR AN EXTENSION OF TIME  
TO FILE A PETITION FOR A WRIT OF CERTIORARI**

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**APPLICATION FOR AN EXTENSION OF TIME  
TO FILE A PETITION FOR A WRIT OF CERTIORARI**

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TO THE HONORABLE ELENA KAGAN, CIRCUIT JUSTICE FOR THE NINTH CIRCUIT:

Pursuant to Rules 13.5 and 30, petitioner Darnell Box respectfully asks the Court for a 60-day extension of time, up to and including January 8, 2027, to file a petition for a writ of certiorari in this matter.

The Arizona Court of Appeals issued an unpublished opinion on January 21, 2026, denying Mr. Box's petition for post-conviction relief under Ariz. R. Crim. P. Rule 33. (App. A). *See State v. Box*, No. 2 CA-CR 2025-0234-PR, 2026 WL 163321 (Ariz. Ct. App. Jan. 21, 2026). On August 7, 2026, the Arizona Supreme Court denied a timely filed petition for review. (App. B) This Court's jurisdiction is invoked under 28 U.S.C. § 1257(a).

This extension is necessary because the petition in this case is being prepared with the assistance of the Post-Conviction Clinic at the ASU Sandra Day O'Connor College of Law. The clinic is staffed by limited-practice law students working on over a dozen legal matters at various stages of the post-conviction process, including the instant case. The students are new to this matter and need time to review the record and familiarize themselves with the case. An extension of time is also necessary because the students have deadlines in their classes in November and will also be preparing for final exams. The petition for certiorari is currently due on November 9 – during the peak of their semester.

Accordingly, Mr. Box respectfully asks the Court to extend the time for filing a petition for certiorari to and including January 8, 2027.

Respectfully submitted:

October 2, 2026

RANDAL McDONALD

*Counsel of Record*

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# **APPENDIX A**

IN THE  
**ARIZONA COURT OF APPEALS**  
DIVISION TWO

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THE STATE OF ARIZONA,  
*Respondent,*

*v.*

DARNELL BOX,  
*Petitioner.*

No. 2 CA-CR 2025-0234-PR  
Filed January 21, 2026

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THIS DECISION DOES NOT CREATE LEGAL PRECEDENT AND  
MAY NOT BE CITED EXCEPT AS AUTHORIZED BY APPLICABLE RULES.  
NOT FOR PUBLICATION  
*See* Ariz. R. Sup. Ct. 111(c)(1); Ariz. R. Crim. P. 31.19(e).

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Petition for Review from the Superior Court in Maricopa County  
No. CR2023153504001  
The Honorable Justin Beresky, Judge

**REVIEW GRANTED; RELIEF DENIED**

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Law Office of Randal B. McDonald, Phoenix  
By Randal McDonald  
*Counsel for Petitioner*

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**MEMORANDUM DECISION**

Presiding Judge Vásquez authored the decision of the Court, in which Chief Judge Staring and Vice Chief Judge Eppich concurred.

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V Á S Q U E Z, Presiding Judge:

¶1 Darnell Box seeks review of the trial court’s order denying his petition for post-conviction relief filed under Rule 33, Ariz. R. Crim. P. We will not disturb that decision absent an abuse of discretion, *see State v. Mendoza*, 249 Ariz. 180, ¶ 1 (App. 2020), which Box has not demonstrated here.

¶2 In 2024, Box pled guilty to misconduct involving weapons and disorderly conduct. The trial court sentenced him to a 4.5-year prison term for weapons misconduct and, for disorderly conduct, it suspended the imposition of sentence and placed Box on a one-year term of probation. Box sought post-conviction relief, arguing that his conviction for weapons misconduct under A.R.S. § 13-3102(A)(4) should be vacated as unconstitutional under *New York State Rifle & Pistol Ass’n v. Bruen*, 597 U.S. 1 (2022), because none of his “six prior felony convictions . . . were violent.” The court summarily dismissed his petition, and this petition for review followed.

¶3 On review, Box repeats his claim that his conviction is unconstitutional. First, Box has waived this claim by pleading guilty. A plea agreement waives all non-jurisdictional defenses, including constitutional violations. *See State v. Crocker*, 163 Ariz. 516, 517 (App. 1990) (“[A] challenge to the constitutionality of a statute is a nonjurisdictional defense.”).

¶4 Even were the claim not waived, Box is not entitled to relief. As a convicted felon, Box is not among the class of “ordinary, law-abiding citizens” whose right to bear arms is protected by the Second Amendment. *Bruen*, 597 U.S. at 9, 31-32 (“ordinary, law-abiding, adult citizens” protected by Second Amendment). This explains why the Supreme Court has long held—and reiterated since *Bruen*—that constraints on the possession of firearms by convicted felons are “presumptively lawful.” *United States v.*

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Decision of the Court

*Rahimi*, 602 U.S. 680, 699 (2024) (quoting *District of Columbia v. Heller*, 554 U.S. 570, 626-27 & n.26 (2008) (characterizing such prohibitions as “longstanding”)); *see also McDonald v. City of Chicago*, 561 U.S. 742, 786 (2010) (emphasizing that *Heller’s* holding “did not cast doubt on such longstanding regulatory measures as ‘prohibitions on the possession of firearms by felons’” (quoting *Heller*, 554 U.S. at 626-27)). And, although Box separately asserts that his conviction violates the Arizona Constitution, our supreme court long ago determined that our constitution permits the state to bar a felon from possessing a firearm. *See State v. Rascon*, 110 Ariz. 338, 339 (1974); *cf. Dano v. Collins*, 166 Ariz. 322 (App. 1990) (provision prohibiting concealed weapon does not violate Arizona Constitution).

¶5           We grant review but deny relief.

## **APPENDIX B**



# Supreme Court

STATE OF ARIZONA

**ANN A. SCOTT TIMMER**  
Chief Justice

ARIZONA STATE COURTS BUILDING  
1501 WEST WASHINGTON STREET, SUITE 402  
PHOENIX, ARIZONA 85007  
TELEPHONE: (602) 452-3396

**AARON C. NASH**  
Clerk of the Court

August 10, 2026

**RE: STATE OF ARIZONA v DARNELL BOX**

Arizona Supreme Court No. CR-26-0049-PR

Court of Appeals, Division Two No. 2 CA-CR 25-0234 PRPC

Maricopa County Superior Court No. CR2023-153504-001

GREETINGS:

The following action was taken by the Arizona Supreme Court on August 7, 2026, regarding the above-referenced cause:

**ORDERED: Petition for Review = DENIED.**

Aaron C. Nash, Clerk

TO:

Alice Jones

Philip D Garrow

Randal Boyd McDonald

Lisa V Howell

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