No. _____

IN THE
Supreme Court of the United States

CODIE BRUCE SCHIENE,
Petitioner,

v.

STATE OF NORTH CAROLINA,
Respondent.

ON PETITION FOR A WRIT OF CERTIORARI TO THE
NORTH CAROLINA SUPREME COURT

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

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TO THE HONORABLE JOHN G. ROBERTS, JR., CHIEF JUSTICE OF THE UNITED STATES AND CIRCUIT JUSTICE FOR THE FOURTH CIRCUIT:

NOW COMES the petitioner, Codie Bruce Schiene, pursuant to Supreme Court Rule 13.5, and respectfully requests a sixty-day extension of time for filing a petition for a writ of certiorari to the Supreme Court of North Carolina. This application is submitted more than ten days prior to the current deadline for filing that petition, which is November 12, 2026—*i.e.*, ninety days from the August 14, 2026, decision of which the petitioner seeks review. In support of this application, the petitioner shows the following:

1. This case arises from a criminal judgment and conviction, following the denial of the petitioner's motion to suppress the evidence seized as the result of a warrantless vehicle search. The basis of the motion to suppress was, *inter alia*, the petitioner's right to be free from unreasonable search and seizure under the Fourth Amendment of the United States Constitution. The substance of that motion concerns the intersection of this Court's probable cause jurisprudence and the legalization of cannabis.

2. Following the denial of his motion to suppress, the petitioner was convicted in Mecklenburg County Superior Court, North Carolina, on January 30, 2023 on three counts: felonious possession of a stolen firearm, possession of a firearm by a felon, and obtaining habitual felon status. That same day, the petitioner was sentenced to a term of incarceration of 76–104 months. On October 1, 2024, the North Carolina Court of Appeals issued its decision affirming the denial of the petitioner's motion to suppress and the resulting judgment and conviction. *State*

v. Schiene, 296 N.C. App. 126, 907 S.E.2d 87 (2024). After agreeing to exercise discretionary review over the case, *see* N.C. R. App. P. 15 ("Discretionary Review on Certification by Supreme Court under N.C.G.S. § 7A-31"), the Supreme Court of North Carolina held oral arguments on September 9, 2025. On August 14, 2026, the Supreme Court of North Carolina issued its decision, in which it ultimately ruled that "[t]o the extent the opinion of the Court of Appeals is consistent with *Dobson*, 929 S.E.2d 315, and *Rowdy*, 929 S.E.2d 324, the opinion below remains undisturbed," before then concluding that discretionary review had been improvidently allowed. *State v. Schiene*, 933 S.E.2d 160 (N.C. 2026).

3. The petitioner plans to file in this Court a petition for a writ of certiorari under 28 U.S.C. § 1257, seeking review of that final judgment of the Supreme Court of North Carolina. A copy of that decision from the Supreme Court of North Carolina, along with a copy of the underlying decision from the North Carolina Court of Appeals, are being filed as exhibits to this application.

4. There is good cause for allowing this application. In light of his workload, the petitioner's counsel requires more time to prepare the petition for a writ of certiorari. Assistant Parent Defender Benjamin J. Kull is the petitioner's counsel of record and a member of the Bar of this Court. In his current position, Mr. Kull is primarily responsible for representing indigent clients on appeal. Since August 14, 2026, Mr. Kull has filed substantive briefs in five other appeals (including one of over 14,000 words), filed substantive petitions for discretionary

review and motions for *en banc* rehearing in two others, filed a substantive petition for rehearing in another, and prepared and filed records on appeal in three others.

5. No prejudice would result to the respondent by allowing this application. The petitioner is still serving his sentence in this matter, with a projected release date in 2029.

WHEREFORE, the petitioner respectfully requests that, for good cause shown, this application be allowed and an order be entered extending the time for filing a petition for a writ of certiorari until January 11, 2027.

Respectfully submitted,



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