IN THE
SUPREME COURT OF THE UNITED STATES

No. _____

JASON P. BROWN,
Applicant,

v.

THE PEOPLE OF THE STATE OF COLORADO,
Respondent.

APPLICATION FOR AN EXTENSION OF TIME WITHIN WHICH TO FILE A PETITION FOR A WRIT OF CERTIORARI TO THE SUPREME COURT OF COLORADO

Pursuant to 28 U.S.C. § 2101(c) and Supreme Court Rules 13.5, 22, and 30.2, Applicant Jason P. Brown respectfully requests an extension of time of thirty days, to and including December 16, 2026, within which to file a petition for a writ of certiorari to review the judgment of the Supreme Court of Colorado in this case. Applicant has not previously sought an extension of time from this Court.

The Colorado Supreme Court denied Applicant's petition for rehearing on August 17, 2026. *See* App. 1. Without extension, the time to file a petition for a writ of certiorari in this Court accordingly would expire on Monday, November 16, 2026, because the ninetieth day following the denial of the petition for rehearing falls on Sunday, November 15, 2026. See S. Ct. R. 30.1. Consistent with Rule 13.5, this application is being filed more than 10 days before that date.

A copy of the Colorado Supreme Court's opinion is attached. *See* App. 3. The jurisdiction of this Court would be invoked under 28 U.S.C. § 1257(a).

1. Applicant was charged with two felony counts of leaving the scene of an accident ("LTS") resulting in death and serious bodily injury. App. 7-8. The trial court's instructions to the jury on the elements of LTS did not include any culpable mental state. *See id.* The jury convicted Applicant of both LTS charges, and the trial court imposed a 60-year sentence. App 8. The Colorado Supreme Court affirmed the conviction, holding that construing the LTS crimes as strict liability offenses does not violate Applicant's right to due process. *See* App. 5.

2. The Colorado Supreme Court's holding both runs afoul of this Court's precedent and creates a split with other courts on critical due process questions. *Compare* App. 5 ("[T]he trial court did not err or violate Brown's right to due process in entering judgment for LTS . . . against Brown without requiring the prosecution to prove that he acted with any culpable mental state . . . ."); *with Kimoktoak v. State*, 584 P.2d 25, 29 (Alaska 1978) ("It is well-settled that an act or omission can result in serious criminal liability only when a person has the requisite criminal intent."); *State v. Al-Naseer*, 734 N.W.2d 679, 686 (Minn. 2007) ("In order for a person to be criminally liable for failing to stop [driving], basic fairness requires that the person be on notice that events that trigger the legal duty to stop have occurred."). *See also Rehaif v. United States*, 588 U.S. 225, 231 (2019) ("[T]he understanding that an injury is criminal only if inflicted knowingly 'is as universal and persistent in mature systems of law as belief in freedom of the human

will and a consequent ability and duty of the normal individual to choose between good and evil.'" (*quoting Morissette v. United States*, 342 U.S. 246, 250 (1952))).

3. Applicant recently retained new counsel to assist in preparing a petition for a writ of certiorari in this case, Professors David A. Strauss and Sarah M. Konsky of the Jenner & Block Supreme Court and Appellate Clinic at the University of Chicago Law School. Professors Strauss and Konsky were not involved in the trial or appellate proceedings below. We respectfully request the additional time to familiarize ourselves with the relevant materials and to prepare an appropriate petition for consideration by this Court.

Respectfully submitted,

/s/ Sarah M. Konsky

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