

# In the Supreme Court of the United States

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MIGUEL ALCANTAR,  
*Applicant,*  
v.

THE PEOPLE OF THE STATE OF ILLINOIS,  
*Respondent.*

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## **Application For Extension Of Time To File A Petition For A Writ Of Certiorari**

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**To the Honorable Brett M. Kavanaugh, Associate Justice of the Supreme Court of the United States and Circuit Justice for the United States Court of Appeals for the Seventh Circuit:**

Pursuant to Rules 13.5 and 30.2 of this Court, applicant Miguel Alcantar respectfully requests that the time to file a petition for a writ of certiorari be extended by 30 days to, and including, May 31, 2019. The Illinois Appellate Court, First District, rendered judgment, with opinion, on October 29, 2018. The Illinois Supreme Court denied Miguel Alcantar's petition for leave to appeal on January 31, 2019. Miguel Alcantar intends to file a petition for writ of certiorari seeking review of the Illinois Appellate Court's judgment; this Court will have jurisdiction over that petition under 28 U.S.C. § 1257(a). Ninety days from the denial of the petition for writ of certiorari and the date for filing is May 1, 2019. This application is filed at least ten days before that date, pursuant to Supreme Court Rule 13.5.

This case presents an important question of federal law which has been specifically left open by this Court's decision in *Pennsylvania v. Ritchie*, 480 U.S. 39, 56 (1987): "whether the Compulsory Process Clause guarantees the right to discover the identity of witnesses, or to require the government to produce exculpatory evidence." In the case, without any *in camera* review, the Illinois courts denied defense counsel permission to subpoena the medical records of one year old N.A. the sister of J.A., the alleged victim of Miguel Alcantar's sexual abuse, despite the fact that the mother of both alleged victims, made a belated claim that Alcantar had penetrated N.A. at the same time that he had allegedly penetrated J.A. This case presents an excellent vehicle for resolution of this question of the scope of the Compulsory Process Clause because the records in *Ritchie* were possessed by a government agency, Children and Youth Services, and were therefore subject to disclosure under the due process clause of the Fourteenth Amendment, whereas N.A.'s medical records belonged to a private institution and would only be subject to disclosure, if at all, under the Compulsory Process Clause.

This issue warrants review under Supreme Court Rule 10, but it cannot be adequately presented for this Court's consideration absent a thirty-day extension of time. Although counsel previously represented petitioner, he was only recently hired to represent petitioner with respect to this petition and has not had time to adequately research and draft the petition, particularly with respect to ascertainment of potential conflicts among the circuits and the highest courts of the states.

For the foregoing reasons, petitioner Miguel Alcantar respectfully request an additional thirty days, up to and including May 31, 2019, to file a petition for writ of certiorari.

Dated: April 20, 2019.

/s/ Stephen L. Richards

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