

No. _____

IN THE
SUPREME COURT OF THE UNITED STATES

JOSEPH STEPHENSON - PETITIONER
(INCARCERATED - PRO-SE INMATE 155049)

STATE OF CONNECTICUT - RESPONDENT(S)
(2nd Cir. COURT OF APPELS DOCKET No: 18-367-PR)

To: the Clerk of the United States Supreme Court

Re: Filing of Motion for extension of time

Dear Sir/Mam,

Please find enclosed an original and two copies of my Pro-Se Motion for Extension of time to file Petition for Writ of Certiorari with Proof of Service, (Per the Supreme Court Rules 22,30 etc., as well as Per the instructions I received, via Phone from your Office). Also included is the 2nd Circuit Court of Appeals Docket sheet which informs, for e.g., about my Indigent status, case facts etc. Please understand that I am incarcerated, Ward of the state of Connecticut in a highly restrictive level 4 Prison without a law library, computer or Word Processor access. My submissions are hand written as neither your office, (whom I also wrote), nor the court's Pro-Se guide gives any information with regards to this issue and I have no legal help. Also the pens used in Prison are not the best quality. Please, this case is extremely critical to my life and future so please excuse any errors. Also I have no information about what "No." to put in the caption. Also, should I send a copy of my Evidentiary hearing? Please advise. Thank you.

Respectfully Submitted,

(JOSEPH STEPHENSON, INMATE NO. 155049, MACDOUGALL PRISON,
1153 EAST ST. SOUTH, SUFFIELD, CT., 06080. (PHONE - 860-292-4237 - PRISON)

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SUPREME COURT, U.S.

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IN THE
SUPREME COURT OF THE UNITED STATES

JOSEPH STEPHENSON - PETITIONER
(INCARCERATED-PRO-SE INMATE 155049)

vs.

STATE OF CONNECTICUT - RESPONDENT(S)
(2nd Cir. Court of Appeals Docket No: 18-367-PR)

MOTION FOR EXTENSION OF TIME TO FILE PETITION FOR WRIT OF CERTIORARI

Now comes Petitioner, who is incarcerated, indigent and without legal counsel, to humbly move this Honorable Court to graciously grant Petitioner a Sixty day extension to file Petition for Writ of Certiorari to U.S. Supreme Court in the interest of Justice and for the following reasons:

- 1). On January 31, 2019, the Second Circuit Court of Appeals denied Petitioner's inarticulate pro-se MOTION FOR RECONSIDERATION from a denial of a Certificate of APPEALABILITY by which Petitioner sought to overturn a Wrongful Conviction on the grounds of Actual Innocence in a case where Overwhelming evidence, including 2016 Federal Evidentiary Hearing and live testimony of sole eyewitness and only alleged "victim" to crime, established that the essential element, use or threat of "Physical force," was absent in this case. Petitioner was informed by the Clerk of the 2nd. Cir. Court of Appeals of the 90 day period to file Writ for Certiorari.
- 2). Petitioner, who has verifiable medical and mental illness which limits his abilities to properly articulate, research and present a

Coherent, competent and effective Petition for certification seeks a 60 day extension, pursuant to U.S. Supreme Court Rules 30 and 22, in part to enable him to find an attorney to do the Petition.

3). Petitioner, who is indigent under Federal and Conn. State Poverty guidelines, was previously granted appointed counsel via the federal Public Defenders office under the Criminal Justice Act, 18 USC § 3006A but counsel was terminated on 9/11/2018 due to denial of COA. Now Petitioner has been writing and reaching out to various lawyers for help.

4). Petitioner, who has been a Legal Permanent Resident living in the United States for 34 years with family who are U.S. citizens and who depend on Petitioner for help and support, faces permanent deportation to a violent country for the wrongful conviction Petitioner seek to have reviewed. Petitioner believes that all avenues of state relief have been foreclosed to him. The U.S. Supreme Court, in Sessions, Attorney General v. Dimaya, 548 U.S. ____ (2018) (Part II of Opinion), recognized:

that "in view of the grave nature of deportation... a "drastic measure" often amounting to lifelong "banishment or exile" (quoting *Fong Haw Tan v. Phelan*, 336 U.S. 6, 10 (1948)... This Court has reiterated that deportation is "a particularly severe penalty," which may be of greater concern to a convicted alien than "any potential jail sentence?" *Jay Lee v. United States*, 582 U.S. ____ (2017) (slip op. at 11) (quoting *Padilla v. Kentucky*, 559 U.S. 356, 365, 368 (2010). And we have observed that as federal immigration law increasingly hinged deportation orders on prior convictions, removal proceedings became ever more "intimately related to the criminal justice process?" *Chavez v. United States*, 568 U.S. 342, 352 (2013) (quoting *Padilla*, 559 U.S. at 365)..."

The gravity of petitioner's immigration plight makes it even more imperative that an extension of time be granted to allow petitioner to find an experienced, competent attorney to help with Petition.

5). Petitioner has been imprisoned for almost six, out of a

a total twelve year Sentence, on unrelated non-violent offences for which Petitioner also maintained his actual Innocence. However, on January 8, 2019, the Connecticut Court of Appeals over turned these convictions and ordered the trial court to acquit Petitioner of all the charges. (See State of Conn. v. Joseph A. Stephenson, 187 Conn.App. 20 A.3d (2019). Petitioner still is imprisoned pending further review and faces deportation for case he seeks Supreme court review. Of some relevance is the fact that the same judge and trial court in case which Petitioner's convictions were just overturned, is the same judge and trial court that unjustly convicted Petitioner in the case being sought review to the U.S. Supreme Court. Petitioner maintains absolute factual and Actual Innocence to this offence of which he faces deportation.

6). Whilst Petitioner is currently incarcerated, Petitioner has been actively engaged in other State Habeas Corpus and Appeal cases related to Prior and Current convictions which create hardships in being able to do a Petition for Certification to U.S. Supreme Court within the 90 day time limit. (See e.g., Joseph Stephenson v. Commissioner of Corrections, Conn. Appellate Court, AC 41812; State of Conn. v. Joseph Stephenson, P.S.C. —, A.C.40250 (March 5, 2019); Stephenson, Joseph #155049 v. Commissioner of Correction, TSR-CV-19-5000084-S, to be appealed).

7). Petitioner, whilst incarcerated, has no access to a law library or to someone trained in the law, (the state inmate legal aid Program is limited to 'conditions of confinement' cases and does not provide attorneys). Petitioner has no access to a computer, Word Processor, cannot type and has no access to free federal Shepardized Case Laws, databases or relevant legal resources. Petitioner has had to depend on

a few caselaws previously sent by prior counsel.

8). The case for which Petitioner seeks U.S. Supreme Court review is not frivolous or meritless and the questions to be presented may not only involve compelling reasons for granting the Writ, the decision of the 2nd Cir. Court of Appeals may be in conflict with other circuit courts and the principles involved in the U.S. Supreme Court's holding in Sessions, Attorney General v. Dimaya, 548 U.S. ____ (2018). Also, the questions to be presented may be of some public importance to an entire class of similarly situated individuals as Petitioner who have made a credible and compelling showing of actual innocence consistent with or even superior to that shown in cases such as Rivas v. Fischer, 687 F.3d 514 (2012); House v. Bell, 547 U.S. 518 (2006); Miller-El v. Cockrell, 537 U.S. 322 (2003); Slack v. MacDaniel, 529 U.S. 473 (2000) and also Schlup v. Delo, 513 U.S. 298 (1995). Unlike all these serious murder related cases where the court noted that the evidence of guilt was strong and the case "close" or evenly balanced but nonetheless the court allowed appellate review, in Petitioner's case, the evidence for actual innocence is overwhelming, there is direct, uncontested eyewitness testimony exonerating Petitioner, but the 2nd Circuit Court of Appeals relied on a clearly erroneous opinion of the Conn. District Court to deny Appellate Review.

In the interest of justice, Petitioner humbly prays this court will grant the extension of time sought herein.

Respectfully submitted


CJOSEPH STEPHENSON, INMATE 155049, MACDOUGALL CI, 1153 EAST ST. S, SUFFIELD, CT. 06080