

IN THE SUPREME COURT
OF THE UNITED STATES OF AMERICA

LATIF SHAMSUDDIN,

Petitioner - Pro Se

**RULE 13(5) APPLICATION FOR
AN EXTENSION OF TIME TO
FILE A WRIT OF CERTIORARI**

v.

THE PEOPLE OF THE STATE OF NEW YORK

Respondent.

To Circuit Justice for the Second Circuit

The petitioner, Latif Shamsuddin, request that the time for petitioning be extended to an including August 10, 2019.

This application is submitted less than 10 days prior to the scheduled filing date for the petition. The pertinent dates are:

12/27/18	The date that the Appellate Division, Third Department issued its decision stating that, amongst other things, the prosecutor's statements during did not deprive me of a fair trial (see Exhibit <u>A</u>).
01/15/19	The date that my appellate counsel filed his discretionary leave application with the New York State Court of Appeals (see Exhibit <u>B</u>).
03/11/19	The date the New York State Court of Appeals denied discretionary leave (Exhibit <u>C</u>).

RECEIVED

JUN 13 2019

OFFICE OF THE CLERK
SUPREME COURT, U.S.

Based on Rule 13(1), a petition for a writ of certiorari seeking review of a judgment of a lower state court that is subject to discretionary review by the state court of last resort is timely when it is filed with this Court within 90 days after entry of the order denying discretionary review (see Rule 13).

Here, as indicated above, the Court of Appeals denied my pro se application for reconsideration on March 11, 2019. This means that I have until June 10th, 2019 deadline to file my petition for a writ of certiorari. However, due to circumstances beyond my control, I cannot meet the June 10th deadline to file my petition for certiorari, and therefore would like to request a 60-day extension of time to file my petition.

GOOD CAUSE FOR ALLOWING THE EXTENSION OF TIME

There are four reasons which establish “good cause” for the granting of my request for a 60-day extension of time to file my petition for certiorari.

First, Clinton Correctional Facility has undergone some serious security upgrades since the escape of Richard Matt and David Sweat. Chief amongst which is a strict rule wherein inmates may only attend the law library during their non-program hours (see Exhibit D). When you couple this with the fact that Clinton Correctional Facility’s Law Library only has 25 available spots for each program module, but there are at least about 35-40 inmates vying for those spots, an inmate generally attends law library sessions two to three times a week. Each session is about two hours long, and in that time we must research, write and type our submissions. Exclusive of today, I have not been to the law library since May 25, 2019 (see Exhibit E). And before that, I was only selected to attend on May 21, April 29 and April 26 2019.

Second, as a novice in the law, I am in need of legal assistance. And as the issues in my case dealing with the legal sufficiency of the evidence, and the gross examples of prosecutorial misconduct involve complex subjects which are hard for me to put together in the time allowed, I am in need of an extra 60 days to put together my leave application.

Third, these issues (i.e. Prosecutorial misconduct during summation, burden shifting, etc) are of nationwide importance, and need to be reined in light of the alarming rate in which prosecutors are now using provocative methods to shift the burden of proof from them, to defendants by stating that the defendant didn't provide proof for his defense claims.¹

And Fourth, while I recognize that I was supposed to put this application in ten days before the deadline, as you can see, I was not able to attend the Law Library since May 25, 2019, and thus, could not submit this application until today, the 6th of June, 2019. This is not my fault, but the way that the new security protocols work when an inmate does not have a Court ordered deadline (that is a deadline signed by the court) rather than as here, a statutory deadline (see Exhibits D)..

Based on the foregoing, I am requesting that I be granted until August 10, 2019 to file my writ of Certiorari, and for any other and further relief as to this Court may deem just and proper.

Statement Pursuant to 28 U.S.C. § 1746, I Declare, under the Penalty of Perjury under the laws of the United States of America, that the foregoing is True and Correct.

Signed this 6th day of June, 2019

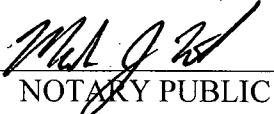
Respectfully submitted

Latif Shamsuddin



Sworn to before me this

6th day of June 2019



NOTARY PUBLIC

Mark J. Wilson
Notary Public, State of New York
No. 01WI6354425
Qualified in Clinton County
Commission Expires 02/06/2021

¹ Here, the prosecutor told the jury "where is the proof that his wife worked in this building?"

Rule 13(5) Application for an Extension of Time to File a Writ of Certiorari

EXHIBITS TABLE OF CONTENTS			
EXHIBIT	DATE	# PAGES	DESCRIPTION
A	12/17/18	04	Appellate Division, Fourth Department's Order stating that the Prosecutor's comments during summation did not shift the burden of proof
B	01/15/19	06	My Appellate counsel's discretionary leave application to New York State's Court of Appeals
C	03/11/19	01	New York State Court of Appeals denial of Discretionary leave
D	05/22/19	02	Overview of Clinton Main's Law Library Services
E	4/20/19 - 5/25/19	01	Dates Which I attended Law Library in the Last 2 Months