

No. 18 A-

Supreme Court of the United States

STEPHEN J. WILLIAMS,
Applicant,

vs.

STATE OF CONNECTICUT
Respondent.

APPLICATION FOR EXTENSION OF TIME WITHIN WHICH
TO FILE A PETITION FOR WRIT OF CERTIORARI TO
THE CONNECTICUT SUPERIOR COURT

Stephen J. Williams
Applicant
12 September Road
Storrs, Connecticut 06268-2806
USA
+1 860-450-1288

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TO THE HONORABLE RUTH BADER GINSBURG, JUSTICE OF THE
SUPREME COURT OF THE UNITED STATES AND CIRCUIT JUSTICE
FOR THE SECOND CIRCUIT:

Pursuant to Rule 13.5 of the Rules of this Court, Applicant requests a 62-day extension of the time within which to file his petition for certiorari in this Court or until Monday, 25 March 2019.

I. JURISDICTION

This Court's jurisdiction is invoked through 28 U.S.C. § 1257(a).

Applicant was convicted in the Connecticut Superior Court on the charge of speeding, Conn. Gen Stat. § 14-219. Connecticut v. Williams, Docket No. MI04-6287590-S (Conn.Super., Riley, J., 28 October 2005), *appeal dismissed*, Docket No. AC27416 (Conn.App., DiPentima, J., 6 October 2009), *cert. denied*, 295 Conn. 917 (2010), *cert. denied*, 562 U.S. 1289 (2011).

Then on 6 October 2017, Applicant filed a motion in the Connecticut Superior Court arguing that since the infraction had been “closed out” by the trial court in 2004, and since more than seven years had now passed, the infraction had been dismissed by operation of law pursuant to Gen. Stat. § 14-140(b), erased pursuant to § 54-142a(a) and that, pursuant to § 54-142a(e)(3), Applicant is now deemed to have never have been prosecuted. The trial court denied Applicant's motion. Memorandum of Decision, p.5 (Newson, J., 12 January 2018) (Attached).

Applicant appealed the trial court's decision to the Connecticut Appellate Court. The Appellate Court “ordered that the appeal as amended is dismissed.” Docket No. AC41401 (Conn.App., Lavine, Elgo, Moll, JJ., 25 July 2018) (Attached).

Applicant sought timely certification to appeal to the Connecticut Supreme Court, which was denied on 24 October 2018. Connecticut v. Williams, 330 Conn. 935 (2018) (Attached).¹

Consequently, any petition for a writ of certiorari is currently due in this Court no later than Tuesday, 22 January 2019. 28 U.S.C. § 2101(c); Sup. Ct. R. 13.1 and 13.3.²

II. NATURE OF THE CASE

The Due Process Clause of the Fourteenth Amendment requires that where a state provides a right of appeal in a criminal matter, the state must afford the defendant a fair procedure. Griffin v. Illinois, 351 U.S. 12, 18 (1956). “[T]he floor established by the Due Process Clause clearly requires a fair trial in a fair tribunal before a judge with no ... interest in the outcome of [the] particular case.” Bracy v. Gramley, 520 U.S. 899, 904-05 (1997) (internal citations and quotation marks omitted). See also Caperton v. A.T. Massey Coal Co., Inc., 556 U.S. 868, 876-77 (2009).

¹ As neither the Connecticut Appellate Court nor the Connecticut Supreme Court considered the matter on its merits, certiorari is properly directed to the Connecticut Superior Court. See Sup. Ct. R. 12.4, 12.6 and 14.1(b). “The controlling principle is that the writ should be directed to the highest court of the state that actually ruled on the merits.” Supreme Court Practice, p. 439. See also R.J. Reynolds Tobacco Co. v. Durham County, N.C., 479 U.S. 130, 138-9 (1986). The Superior Court is located in Windham Geographic Area 11 at Danielson, 120 School Street, Danielson, Connecticut 06239, USA. Tel. +1 860-779-8480.

² This application should be received by the Clerk at least 10-days prior to the due date as set out in Sup. Ct. R. 13.5 and 30.2. Therefore, the standard for determination of this Application is “good cause”. Madden v. Texas, 498 U.S. 1301, 1304 (1991) (Scalia, J., in chambers).

Applicant will argue that the *contra legem* dismissal of Applicant's appeal demonstrates that the judges and justices of the Connecticut Appellate Court and Connecticut Supreme Court, who clearly have a direct interest in this case, deprived him of the Fourteenth Amendment protected due process right to a hearing before unbiased judges by acting to deprive Applicant of the right of appeal in those courts. Caperton at 876-77. See also Withrow v. Larkin, 421 U.S. 35, 47 (1975); Republican Party of Minnesota v. White, 536 U.S. 765, 775-76 (2002).

III. REASONS FOR GRANTING THIS APPLICATION FOR EXTENSION OF TIME

Preparation of Applicant's brief in this appeal has been delayed by Applicant's preparation for jury trial in the related case of Connecticut v. Williams, Docket No. MV17-0235522-S. In that case, the trial court repeatedly required Applicant to appear in court for no purpose whatsoever. Over the course of the past year, Applicant was required to appear in court no less than 13 times and often was required to remain in court for most of the day. Indeed, Applicant was required to be in the Danielson trial court twice in just the past week. The State ultimately dismissed the case on the eve of trial. Applicant believes that the repeated appearances and delays were intentional. The result was that it became impossible for Applicant to timely prepare his petition.

Applicant is working on his appellate brief in Williams v. Commissioner of Motor Vehicles, Conn.App. Docket No. AC41811. That brief is currently due 27 December 2018.

Applicant is also required to prepare a challenge to an administrative matter in Florida in relation to Williams v. Florida Dept. of Highway Safety and Motor Vehicles, Docket No. 2D15-1371 (Fla. 2d. DCA) and complaints in two new civil suits in this state.

Finally, the preparation of Applicant's petition has also been delayed by unanticipated family obligations during this holiday season.

IV. CONCLUSION

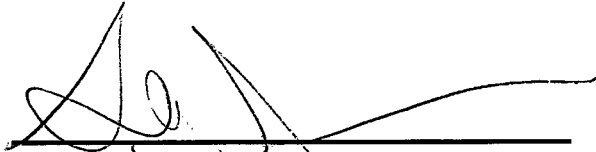
Applicant recognizes that in asking Justice Ginsburg to grant a 60-day extension of time, Applicant is seeking an extension which is at the outer limit of what a Circuit Justice is permitted to grant. Applicant is reluctant to ask for such a long extension and does so only because it would be impossible for him to prepare a meaningful petition in any less time.

Therefore, Applicant asks that the Justice order that the time allowed to petition for certiorari be extended until Monday, 25 March 2019.

Respectfully submitted,

Dated:

Wednesday, 18 December 2019.



Stephen J. Williams, Applicant
12 September Road
Storrs
Connecticut 06268-2806
USA
Tel. +1 860-450-1288