

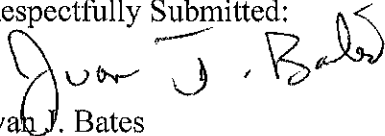
CERTIFICATE OF SERVICE

I certify that a copy of the foregoing Application, pursuant to Rules 29.3 and 29.4(a), have been served on counsel for the respondent, by depositing a copy of the same, first class postage prepaid, in the United States mail, on February 25, 2019, and addressed to:

Solicitor General of the United States
United States Department of Justice, Room 5616
950 Pennsylvania Ave. N.W.
Washington, D.C. 20530-0001

Diane Hollenshead Copes, Assistant United States Attorney
Office of the United States Attorney, Eastern District of Louisiana
650 Poydras Street, Suite 1600
New Orleans, Louisiana 70130

Respectfully Submitted:



Ivan J. Bates
Bates & Garcia, LLC
Attorneys at Law
201 N. Charles Street, Suite 1900
Baltimore, Maryland 21201
PHONE: (410) 814-4600
Facsimile: (410) 814-4604
Ivan@batesgarcia.com
Attorney for Petitioners

DATED: February 25, 2019

**EXTENSION OF TIME REQUEST FOR
A PETITION FOR WRIT OF CERTIORARI**

No. _____

In The Supreme Court of The United States

LINDA BOLTON, ET AL, Petitioner(s),

v.

United States of America, Respondent(s).

**APPLICATION FOR EXTENSION OF TIME TO FILE
PETITION FOR WRIT OF CERTIORARI TO THE
UNITED STATES SUPREME COURT**

To the Honorable Samuel A. Alito, Jr., as Circuit Justice for the United States Court of Appeals for the Fifth Circuit:

Pursuant to Rules 13.5 and 30.2 of this Court, Petitioner Linda Bolton, respectfully requests that the time to file a Petition for a Writ of Certiorari in this matter be extended for sixty (60) days to and including May 7, 2019; on Petition for a Writ of Certiorari to the 5th Circuit Court of Appeals, Case No. 17-60502 Linda Bolton will be joined on the Petition for Writ of Certiorari by her husband, Petitioner Charles Bolton, who was a joint defendant in the underlying Criminal Case that originated in the Southern District of Mississippi and in the Appeal Case filed in the Fifth Circuit Court of Appeals for which this Writ of Certiorari is being sought.

Absent an extension of time, the Petition would therefore be due on March 7, 2019. Petitioner Linda Bolton is filing this Application at least ten days before that date. See S. Ct. R. 13.5. This Court would have jurisdiction over the judgment under 28 U.S.C. 5 1254(a).

Petitioner Linda Bolton is currently an inmate at Aliceville Federal Correctional Institute in Aliceville, Alabama which has contributed to a delay in my ability to file the petition by the original 90 days due date permissible under the law for filing a Petition for Certiorari with the United States Supreme Court. Further complicating submission of an application for a Petition for Certiorari in this case is the fact that her husband, Charles Bolton, who will be a joint petitioner in this appeal to United States Supreme Court, is also incarcerated in the State of South Carolina, several hundreds of miles away, at the Edgefield Federal Correctional Institute in Edgefield, South Carolina. Coordination with both petitioners across multiple states have presented challenges to their exercising their legal and constitutional rights in a timely and efficient manner.

Petitioner Linda Bolton lost her freedom due to well documented violations of rights guaranteed under the Fifth, Sixth, and Fourteenth Amendments of the Constitution of the United States based on a judgment issued by Southern District of Mississippi (App. A), and later upheld by the Fifth Circuit affirming convictions for Charles and Linda Bolton for alleging to Attempt to Evade a Tax and Filing of a False Tax Return. An extension of time is needed due to the voluminous record and the complexity of the statutory and legal issues in this case. It is also imperative that Petitioner Linda Bolton is afforded an opportunity to file a Petition for a Writ of Certiorari with this Court due to an impermissible legal precedent that will be set and, that will negatively affect the Federal Judiciary for years to come based on the judgment issued by Southern District of Mississippi that is both unsupported by the facts, statutes, and legal precedents, and the Fifth Circuit Court of Appeals publication of an Opinion in this case that is,

not only inconsistent with facts or record in this case, but it also usurps the legal precedents in its own Court and this Court as follows:

October 18, 2018 Opinion Issued by the Fifth Circuit as to Charles Bolton and Linda Bolton

The Fifth Circuit Court of Appeals issued an opinion that upheld Appellants Charles Bolton and Linda Bolton tax convictions on **October 18, 2018** (App. B). The Opinion was **incorrect as to several facts of exceptional importance and application of incorrect legal standards governing this case. In addition, the opinion usurped both U. S. Supreme Court and Fifth Circuit Court of Appeals legal precedents** and conflicts with other circuit opinions that had significant bearing on the Fifth Circuit Court of Appeals' erroneous ruling.

The Government promptly **filed an email notice and an October 22, 2018 Motion** (App. C) **with the Court** requesting correction of **information contained in the Opinion issued on October 18, 2018**, that incorrectly asserted there was no *Brady violation* because Appellants Bolton were provided a copy of an FBI 302 Report. This report was suppressed by the Government and not provided.

October 23, 2018 Modified Opinion Issued by the Fifth Circuit as to Charles and Linda Bolton

The Fifth Circuit Court of Appeals overruled the defense's objection and instead **withdrew the October 18, 2018 Opinion and reissued a Modified Opinion on October 23, 2018, and issued an order, granting the Government's Motion for an administrative correction** (App. D) by adjusting language pertaining the Brady and the FBI 302 Report incorrectly. The **Modified opinion** of October 23, 2018, did not correct the legal error suppression of the FBI 302 Report which was not provided by the Government to **Charles and Linda Bolton**, or their Defense Counsel. As a result, violating the Petitioner's constitutional

rights guaranteed under the Fourteenth Amendment of the Constitution, and created a conflict in the administration of justice regarding violation of Brady under the law.

Following the Fifth Circuit's failed attempt to correct an issue involving a substantial question of law pertaining to violations of the *Brady rule*, in the Court's Modified Opinion in this case, the Court erred again in its attempt to correct the opinion administratively by incorrectly stating the FBI 302 Report was turned over to the defense when it was not.

On October 24, 2018, The Government **filed a formal motion** (App. E) **notifying the Court that the information contained in the Modified Opinion issued on October 23, 2018**, that incorrectly asserted there was no *Brady* violation because Appellants Bolton were provided a copy of an FBI 302 (that Appellants asserted were suppressed by the Government) was incorrect and needed to be corrected. The Government the again requested correction of the Fifth Circuit's Modified Opinion.

The Fifth Circuit Court of Appeals erred again when it issued an order on October 26, 2018, granting the Government's Motion (App. F) to Correct its Modified on October 23, 2018), as non-dispositive and without any further analysis of whether a Brady violation had occurred in this case; and the court did not make a determination whether the trial court conducted the proper evaluation of Appellant Bolton's Brady Claim under the correct legal standard. This is very important because the **Government had already conceded in their Opposition Brief** that the trial Court erred in its denial of Appellant Bolton's for release of the relevant FBI 302 Report and stated that the trial court used the incorrect legal standard for evaluating a Brady violation. The **Government then recommended the case be remanded for correction by the trial court on this issue**. The Fifth Circuit Opinion failed to provide any relief on this issue although it has been conceded. Instead, on October 26, 2018, the Fifth Circuit

Court of Appeals **issued an order**, granting **the Government's Motion for an administrative correction** by adjusting language pertaining the Brady and the FBI 302 Report incorrectly.

October 26, 2018 Modified Opinion Issued by the Fifth Circuit as to Linda Bolton

The Fifth Circuit Court of Appeals **withdrew the October 23, 2018 Modified Opinion and issued a third Opinion on October 26, 2018**, (App. G), attempting but failing again to provide the legal analysis of the Brady Violation issue according to the correct legal standard or legal precedents governing this issue. Although the Government filed a motion with the Fifth Circuit Court of Appeals noticing of the error in the opinion in which the Court falsely ruled that **there was no Brady violation because Appellant Bolton was provided a copy of the FBI 302** containing the statements impeaching the Government's witness, the court failed to correct the error.

Counsel for Petitioners Charles and Linda Bolton filed a petition for rehearing to address the deficiencies contained in the opinion involving substantial questions of law and facts, failure to apply the correct legal standards that conflict with that Court's own prior opinions, conflicts with legal precedents of this Court and other circuits in which the opinion was based.

Counsel for Petitioners Charles and Linda Bolton filed a petition for rehearing November 19, 2018, in this appeal significant legal and factual questions.

On December 7, 2018, the Fifth Circuit Court of Appeals issued an order (App. H) in which it denied a petition for rehearing.

The Fifth Circuit Court of Appeals' failure to follow the law governing the Appeal Court's own prior legal opinions and that of established law governing remedies due to petitioners under the law. Additionally, this Court failed to decide or remand for presentation and decision by a trier of fact (jury) those matters briefed by Petitioners Linda Bolton and that were

supported by established legal principles and statutes governing tax crimes. The Fifth Circuit Court of Appeals opinion upholding the District Court's sentencing order in this case and the order denying my motion for new trial also violated the petitioner's constitutionally protected rights under the Seventh Amendment to the Constitution's which provides protections for individuals in the judicial system. The Seventh Amendment guarantees a jury trial in common law—consisting of centuries of judicial precedents. In addition to defining what kinds of cases require a jury, the Seventh Amendment highlights the jury's role as “fact finder,” and it imposes limits on the judge's ability to override the jury's conclusions.

This case presents issues requiring review by the Supreme Court of the United States due to the exceptional importance to public policy and consistency in application of governing legal principles and legal standards. The importance of the issues in this case is especially troublesome because of its significant impact on the public. Specifically, it creates the chilling prospect that the prevailing law governing prosecutions for tax crimes will be replaced with a new legal precedence that not only overturns centuries old legal precedents of this Court and for which other circuits rely, and if the opinion of the Fifth Circuit in this case is allowed to stand, this precedence is far reaching and opens a dangerous new frontier for prosecution of tax crimes, especially to since the grand jury indictments in this case did not conform the law regarding indictment for tax violations under Title 26, U.S.C. Specifically the grand jury was not convened under Title 26 as required by law but instead was convened under Title 18 in the wrong jurisdiction.

These important issues will addressed in a Petition for Certiorari to the U.S. Supreme Court. Therefore, an extension of time is badly needed both because of the need to “maintain

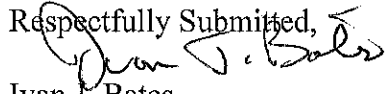
uniformity of the court's decisions," and because of the "exceptional importance" this legal precedence will have on public policy

No meaningful prejudice would arise from the extension, as this Court would hear oral argument and issue its opinion in the October 2019 Term regardless of whether an extension is granted.

CONCLUSION

For the foregoing reasons, the Petitioner Linda Bolton respectfully requests that the time to file a Petition for a Writ of Certiorari in this matter should be extended Sixty (60) days to and including May 7, 2019.

Respectfully Submitted,



Ivan J. Bates
Bates & Garcia, LLC
Attorneys at Law
201 N. Charles Street, Suite 1900
Baltimore, Maryland 21201
PHONE: (410) 814-4600
Facsimile: (410) 814-4604
Ivan@batesgarcia.com
Attorney for Petitioners

February 25, 2019

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