

No. _____

IN THE SUPREME COURT OF THE UNITED STATES

James Kerr Schlosser; Petitioner, v.

The United States of America; Respondent.

APPLICATION FOR EXTENSION OF TIME TO FILE PETITION FOR WRIT OF
CERTIORARI TO THE UNITED STATES COURT REGARDING A DECISION
FROM THE UNITED STATES COURT OF APPEALS FOR THE THIRD CIRCUIT.

TO THE HONORABLE SAMUEL A. ALITO, JUSTICE OF THE SUPREME COURT
OF THE UNITED STATES AND CIRCUIT JUSTICE FOR THE THIRD CIRCUIT:

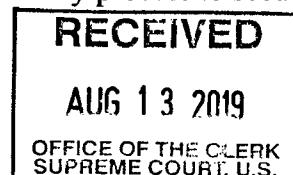
Pursuant to 28 U.S.C §2101 (f) and Rule 13.5 of the Rules of this Court, Pro se Petitioner James Kerr Schlosser respectfully requests for a 60-day extension of time to file his petition for certiorari in this Court to and including October 18, 2019.

The final judgment of the UNITED STATES COURT OF APPEALS FOR THE THIRD CIRCUIT entered on May 29, 2019 in UNITED STATES COURT OF APPEALS FOR THE THIRD CIRCUIT Case No. 17-2872, and petitioner's time to petition for certiorari in this Court expires August 19, 2019. This application is being filed more than 10 days before that date.

Copies of the opinions below are attached hereto, as is the denial of the petition for rehearing by the panel and the Court en banc. The jurisdiction of this Court is invoked under 28 U.S.C §1254.

The UNITED STATES COURT OF APPEALS FOR THE THIRD CIRCUIT's decision involved dropping Count One, a 7212(a) charge, to which the all parties agreed, but by the Appeals Court may have erred not seeing that withholding the defendants critical and exculpatory evidence from the jury in a tax case involving *mens rea*, affected the juries outcome for the charges in Counts Two and Three as well.

Petitioner believes that the "due process" clause of the Fifth Amendment and the Sixth Amendment's criminal trial provisions which were violated, which have been determined to be the basis for the constitutional right to present a complete defense. This constitutional right protects this petitioner's right to compulsory process to secure



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Petition for Writ of Certiorari**

witnesses for trial, as well as his right to testify in his own behalf and to offer relevant documentary evidence supportive of his defense.

Petitioner further contends that denying critical evidence amounts to an improper sanction against his ability to visually show the jury his "state of mind" and not for the truth of the matter. This case is of national importance because there are other Circuits that allow for necessary evidence to be admitted in these types of *mens rea* cases, and there may well have been a different outcome for the petitioner in those circuits.

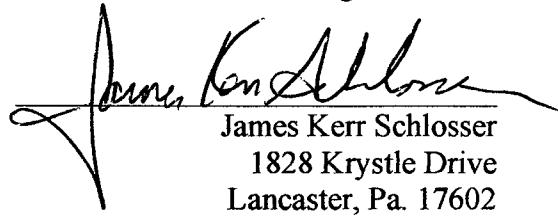
As applied to petitioner, UNITED STATES COURT OF APPEALS FOR THE THIRD CIRCUIT made the decision not to drop Counts Two and Three as well as Count One, or limit restitution only to Counts 2 and 3, dismiss the case or demand a re-trial or other option, leaving the Petitioner with this last remedy, the Supreme Court of the United States of America.

At the same time as filing this pro-se petition, the press of business in pro-se Petitioner's own life is heavy, as he is almost destitute, working 10-12 hours a day, trying to re-build his life after losing his family and home, getting "immediate release" from prison on 8/2/18 after serving a year, and is out on Bond Pending Appeal. Petitioner should be time served on Counts Two and Three, and wants to finish this Writ of Certiorari timely, but may need a few more days beyond the August 19, 2019 current deadline, and if he can't do a good job on this Writ, will need to get counsel's assistance.

For these reasons, Petitioner respectfully requests that an order be entered extending his time to petition for certiorari in the above-captioned case to and including October 18, 2019.

Respectfully submitted,

August 6, 2019


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