

No. _____

IN THE
SUPREME COURT OF THE UNITED STATES

UNITED STATES OF AMERICA.

Plaintiff-Appellee,

v.

YONG S. CHA, AKA EDWARD CHA,

Defendant-Appellant.

**APPLICATION TO THE HON. ELENA KAGAN
FOR EXTENSION OF TIME TO FILE
PETITION FOR WRIT OF CERTIORARI TO THE
UNITED STATES COURT OF APPEAL FOR THE NINTH CIRCUIT**

To the Honorable Elena Kagan, Associate Justice of the Supreme Court of the United States, as Circuit Justice for the United States Court of Appeals for the Ninth Circuit:

Appellant Edward Cha respectfully requests that the time to file a Petition for Writ of Certiorari in this matter be extended for thirty (30) days to and including August 28, 2019. The Court of Appeals issued its memorandum decision on October 26, 2018. App. A. On April 29, 2019, the Court of Appeals issued an amended memorandum and denied Mr. Cha's

timely petition for rehearing and rehearing en banc. App. B-C. Absent an extension of time, the Petition would be due on July 29, 2019. Petitioner is filing this Application at least ten days before that date. S. Ct. R. 13.5. On July 12, 2019, counsel contacted Deputy Attorney General Benjamin Lichtman, counsel for Respondent, (714) 338-3500, who informed counsel that he has no objection to this request for more time. This Court has jurisdiction over the judgment under 28 U.S.C. § 1254(1).

Reasons for Granting an Extension of Time

The time to file a petition for writ of certiorari should be extended for thirty days for the following reasons.

Since the Court of Appeal denied Mr. Cha's petition for rehearing and rehearing en banc on April 29, 2019, petitioner's counsel, appointed under the Criminal Justice Act, has been occupied with other significant case obligations. When the petition for rehearing was denied, petitioner's counsel was in the midst of finalizing a reply brief due in the California Court of Appeal, which was filed on May 6. In addition, during the month of May, counsel finalized and filed a federal habeas petition in the District of Utah, reviewed the voluminous record in connection with a an appeal pending before the Ninth Circuit to ensure completeness, and reviewed thousands of

pages of new discovery in preparation for an evidentiary hearing in a habeas case in the Los Angeles Superior Court.

Last month, counsel drafted and filed on June 6 a petition for rehearing in the 9th Circuit. Thereafter, counsel had to prepare for and present oral argument before the state court of appeals on June 26 as well as research and draft a lengthy habeas reply brief, which was filed in state superior court on July 8.

Counsel has been working diligently on these tasks, along with the certiorari petition in this case, but will be unable to finalize this petition before its current due date, July 29. Counsel will be out of the state starting July 17 to attend a capital post-conviction skills seminar, and will not return to the office until July 29. In order to more thoroughly research the legal issues and prepare an appropriate petition for consideration by this Court, Counsel proposes to file the petition for writ of certiorari on August 28.

This case presents an important issue of whether the Government may introduce evidence of an accused's immunized statements – elicited by the Government under false pretenses – to counteract a defense attorney's challenge to prosecution witnesses' credibility even if the accused does not testify or make any allegedly false statement at trial and thereby to lighten the Government's burden of proof, undermine defense counsel's zealous

advocacy, and impede counsel's ability to subject the prosecution's evidence to meaningful adversarial testing.

Wherefore, petitioner respectfully requests that an order be entered extending the time to petition for certiorari to and including Wednesday, August 28, 2019.

Respectfully Submitted,

LAW OFFICES OF TARIK S. ADLAI

JULY 12, 2019.

/s/
Tarik S. Adlai
Counsel of Record
Attorney for Petitioner