

CENTER FOR APPELLATE LITIGATION

120 WALL STREET – 28TH FLOOR, NEW YORK, NY 10005 TEL. (212) 577-2523 FAX 577-2535

ATTORNEY-IN-CHARGE

ROBERT S. DEAN

ASSISTANT ATTORNEY-IN-CHARGE

MARK W. ZENO

SENIOR SUPERVISING ATTORNEYS

CLAUDIA S. TRUPP

BARBARA ZOLOT

MANAGING ATTORNEY

DAVID J. KLEM

SUPERVISING ATTORNEYS

ROBIN NICHINSKY

ARIELLE I. REID

BEN A. SCHATZ

MOLLY SCHINDLER

KATE SKOLNICK

MARIANNE C. YANG

DIRECTOR OF HOLISTIC DEFENSE

BRITTANY N. FRANCIS



November 15, 2021

RE: *Lee v. Garlick*, 21-637

Respondent's Request for

Extension of 30 Days to File BIO

MATTHEW BOVA

Senior Appellate Counsel

mbova@cfal.org

ext. 543

Honorable Scott S. Harris
Clerk of the Court
Supreme Court of the United States
1 First Street, NE
Washington, DC 20543

Dear Mr. Harris:

I represent Respondent James Garlick in the above-captioned case. Respondent respectfully requests an extension of 30 days in which to file his brief in opposition (“BIO”) to the petition for writ of certiorari, challenging the Second Circuit’s decision in *Garlick v. Lee*, 1 F.4th 122 (2d Cir. 2021).

Respondent’s BIO is due on December 1, 2021. Granting this extension would make it due on December 31, 2021. Respondent is represented by the Center for Appellate Litigation, a public-defense law firm representing indigent defendants convicted in New York County and Bronx County Supreme Court.

The undersigned’s current case load justifies this request for an extension of time. Undersigned counsel has been assigned to numerous appeals of felony convictions and must file briefs and/or post-conviction motions in those matters in the Appellate Division First Department or trial courts. Undersigned anticipates he will be filing at least four briefs and/or motions in these matters within the next 45 days. Additionally, undersigned counsel has a deadline of December 3, 2021 to file a brief in the Second Circuit appealing the denial of a joint petition for a writ of habeas corpus filed on behalf of 18 incarcerated individuals seeking temporary release in light of the COVID-19 Pandemic.

The time requested is necessary to ensure that Respondent can cogently answer the State's petition, which seeks a writ of certiorari on three questions.

Sincerely,



Matthew Bova
Counsel of Record for Respondent
Center for Appellate Litigation
120 Wall Street, 28th Floor
NY NY 10005
212-577-2523, ext. 543
mbova@cfal.org

CC: Nancy Killian
Office of the District Attorney, Bronx County
198 E. 161st Street
Bronx, NY 10451
Counsel for Petitioner