

No.21A____

IN THE
Supreme Court of the United States

KAREN RAMM,

Applicant,

v.

UNITED STATES OF AMERICA,

Respondent.

**APPLICATION FOR AN EXTENSION OF TIME TO
FILE A PETITION FOR A WRIT OF CERTIORARI
TO THE UNITED STATES COURT OF
APPEALS FOR THE THIRD CIRCUIT**

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Counsel for Applicant

April 12, 2022

APPLICATION

To the Honorable Samuel Alito, Associate Justice of the Supreme Court of the United States and Circuit Justice for the Third Circuit:

Pursuant to Rule 13.5 of the Rules of this Court and 28 U.S.C. § 2101(c), applicant Karen Ramm respectfully requests a 60-day extension of time, to and including July 15, 2022, within which to file a petition for a writ of certiorari to review the judgment of the United States Court of Appeals for the Third Circuit in this case.

1. The Third Circuit entered judgment on February 15, 2012. *See United States v. Ramm*, 2022 WL 456326 (App. la-5a). Unless extended, the time to file a petition for certiorari will expire on May 16, 2022. This application is being filed more than ten days before a petition is currently due. *See* S. Ct. R. 13.5. The jurisdiction of this Court would be invoked under 28 U.S.C. § 1254(1).

2. From February 2000 to June 2010, Karen Ramm worked for a financial institution that operated under various names, including Commerce Bank, Metro Bank, and First National Bank. Ramm held several positions at the financial institution: commercial-loan officer, credit-services manager, and loan-group president.

3. Karen Ramm originated seven loans between September 2001 and July 2003 in the name of a customer with whom Ramm had a personal relationship. Ramm provided and approved materially false information as part of these loan applications. According to the government, Ramm originated these loans as a scheme to defraud her

employer.

4. Ms. Ramm originated the last loan in July 2003. In the indictment, the government alleged that Ms. Ramm increased the loan in 2004 and transferred the proceeds to an account under her control. The government also alleged that, in May 2017, Ramm secured an extension of the last loan for three years.

5. In March 2017, a grand jury indicted Ms. Ramm on one count of bank fraud. Ms. Ramm moved to dismiss the indictment. She claimed that the statute of limitations precluded the indictment's only count. The District Court denied the motion. Ms. Ramm then pleaded guilty, reserving the right to appeal the denial of her motion to dismiss. She received a sentence of twelve months and one day imprisonment. Ms. Ramm appealed.

6. Ms. Ramm's appeal presented a single issue: Whether the applicable statute of limitations bars the bank-fraud charge. A defendant commits bank fraud when she "knowingly *executes*[] . . . a scheme or artifice—(1) to defraud a financial institution; or (2) to obtain any of the moneys, funds, . . . or other property owned by, or under the custody or control of, a financial institution, by means of false or fraudulent pretenses, representations, or promises[.]" 18 U.S.C. § 1344 (emphasis added). The plain text of the bank-fraud statute focuses on each "execution" of a scheme to defraud.¹ App. 4a.

¹ *United States v. Sain*, 141 F.3d 463, 473 (3d Cir. 1998) ("By its plain language, the statute criminalizes each knowing 'execution' of the fraudulent scheme . . ."); see also *United States v. Doost*, 3 F.4th 432, 438 & n.3 (D.C. Cir. 2021); *United States v. Schwartz*, 899 F.2d 243,

7. The Third Circuit noted that the applicable statute of limitations was ten years. The only action alleged by the United States that occurred within ten years of the March 2017 indictment was the May 2007 loan extension. App. 4a. For that reason, Ms. Ramm's appeal turns on whether her May 2007 loan extension amounted to a distinct "execution" of her scheme.

8. The Third Circuit held that the 2007 loan extension was separate "execution" of the scheme, because it was chronologically and substantively independent of the bank-fraud scheme. App. 4a. The Third Circuit noted that the extension request contained false information, and the decision to delay by four years the "extension/review" date of the loan increased the risk of loss, which made the "execution" actionable. App. 4a-5a.

9. The Third Circuit's decision undermines most applications of the statute of limitations in bank fraud cases. If seeking an extension of a loan, without seeking more funding, amounts to a separate "execution" of the loan that increases the risk of loss without any showing of an increase in the actual risk, then virtually any action will constitute a separate execution.

10. Applicant Karen Ramm is represented by assigned counsel Matthew Campbell, Federal Public Defender, District of the Virgin Islands. Over the next several weeks, counsel is occupied with deadlines in a variety of matters, including: (1) a sentencing hearing in *United States v. Dunn*, 3:21-CR-004-RAM-RM-1 on April 21, 2022; (2) a trial in *United States v. Raul Flores*, 3:22-cr-00009-RAM-RM-1 (D.V.I.) on May 4, 2022; (3) an oral argument before the United States Court of Appeals for the Third Circuit in *United States v. Rivera*, 21-3293; and (4) a trial in *United States v. Allany Petersen-Mendez*, 3:22-cr-00014-RAM-RM-1 (D.V.I.) on May 16, 2022, among other matters. Applicant requests this extension of time to permit counsel to research the relevant legal and factual issues and to prepare a petition that fully addresses the important questions raised by the proceedings below.

11. For these reasons, Applicant respectfully requests that an order be entered extending the time to file a petition for certiorari to and including July 15, 2020.

Respectfully submitted,



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