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ORIGINAL

IN THE
SUPREME COURT OF THE UNITED STATES

FILED
SEP 23 2022
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SUPREME COURT, U.S.

PETER CORINES

Appellant/Petitioner, pro se

v.

THE STATE OF NEW YORK

COURT OF APPEALS

Respondent

APPLICATION FOR EXTENSION OF TIME TO FILE PETITION
FOR A WRIT OF CERTIORARI

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SUPREME COURT, U.S.

To the Honorable Justice Sonia Sotomayor:

Petitioner, Peter J. Corines pursuant to Supreme Court Rules 13.5 and 30, respectfully applies to Associate Justice Sonia Sotomayor and requests a 60-day extension of time from October 9, 2022 until December 8, 2022 to file his petition for a writ of certiorari pursuant to 28 U.S.C. Sect. 1254. Final judgment was issued by the New York State Court of Appeals on July 11, 1002 denying leave to appeal from Decision and Order of the Appellate Division, Second Department. Pursuant to this Court's rules 14 and 30, Application for Writ of Certiorari will be due on Sunday, October 9, 2022 (hence Monday October 10, 2022).

Petitioner was convicted and plead guilty to an Indictment for Grand Larceny and Identity Theft that was obtained using false testimony. The false testimony was known to the prosecutors but not divulged to the Grand Jury or the Court. Petitioner's attorney became aware

but failed to inform him of the perjured testimony and withdrew as counsel. Petitioner's second counsel failed to apprise the Court of the false grand jury testimony and was unsuccessful in moving to withdraw Petitioner's plea. The transcript of the witness's Grand Jury testimony was obtained from the DA in preparation for a "conditional examination" which never took place.

Petitioner raised all of these issues in his pro se Supplemental Brief to the Appellate Division, which nevertheless affirmed his conviction on April 13, 2022.

Petitioner believes this matter is of significance because the state court has decided an important federal question in a way that conflicts with relevant decisions of this Court. This Court has repeatedly held that the State shall not use perjured testimony to obtain a conviction. Petitioner believes he was convicted in violation of long established Supreme Court law.

Wherefore:

Petitioner respectfully requests an adjournment of the date due until Monday, December 5, 2022 for the following reasons:

1. The decision of the New York Court of Appeals was received by Petitioner on September 21, 2022.
2. Petitioner's wife, Ramonita Corines, is currently undergoing chemotherapy for Breast Cancer.
3. Petitioner is 74 years of age and recently underwent surgery for pancreatic cancer. As a result, he has become severely diabetic and requires insulin and close medical monitoring.

Respectfully submitted:

Dated: September 23, 2022

A handwritten signature in black ink, appearing to read "Peter J. Corines".

Peter J. Corines

Defendant/Petitioner, pro se

249 Park Avenue

Eastchester, New York 10709

Tel: 914 652 7386

State of New York Court of Appeals

BEFORE: ANTHONY CANNATARO, Associate Judge

THE PEOPLE OF THE STATE OF NEW YORK,

Respondent,

~~-against-~~

**ORDER
DENYING
LEAVE**

PETER CORINES,

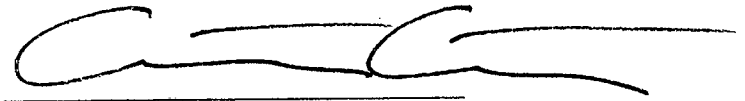
Appellant.

Appellant having applied for leave to appeal to this Court pursuant to Criminal Procedure Law § 460.20 from an order in the above-captioned case;*

UPON the papers filed and due deliberation, it is

ORDERED that the application is denied.

Dated: 7/11/22



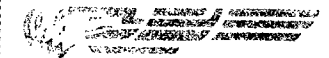
Anthony Cannataro, Associate Judge

*Description of Order: Order of the Appellate Division, Second Department, dated April 13, 2022, affirming a judgment of the Supreme Court, Westchester County, rendered March 28, 2019.

COURT OF APPEALS
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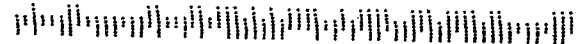
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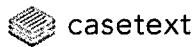


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People v. Corines

Supreme Court, Appellate Division, Second Department

Apr 13, 2022

No. 2022-02428 (N.Y. App. Div. Apr. 13, 2022)

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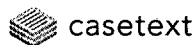
04-13-2022

The People of the State of New York, respondent, v. Peter Corines, appellant.

Arza Feldman, Uniondale, NY, for appellant, and appellant pro se. Miriam E. Rocah, District Attorney, White Plains, NY (William C. Milaccio and Steven A. Bender of counsel), for respondent.

Arza Feldman, Uniondale, NY, for appellant, and appellant pro se.

Miriam E. Rocah, District Attorney, White Plains, NY (William C. Milaccio



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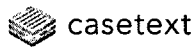
Opinion Case details

Appeal by the defendant from a judgment of the Supreme Court, Westchester County (Barry E. Warhit, J.), rendered March 28, 2019, convicting him of grand larceny in the second degree, attempted grand larceny in the second degree, and identity theft in the first degree, upon his plea of guilty, and imposing sentence.

ORDERED that the judgment is affirmed.

Contrary to the defendant's contention, the record demonstrates that he knowingly, voluntarily, and intelligently waived his right to appeal (*see People v Thomas*, 34 N.Y.3d 545, 564-565; *People v Sanders*, 25 N.Y.3d 337, 341-342; *People v Williams*, ___ A.D.3d ___, 2022 NY Slip Op 01468 [2d Dept]). However, the defendant's contentions that his plea of guilty was not knowing, voluntary, or intelligent and that the Supreme Court was without authority to issue an order of protection on behalf of the victim's sister survive a valid waiver of the right to appeal (*see People v Lopez*, 199 A.D.3d 704; *People v Glover*, 186 A.D.3d 621).

Regarding the plea of guilty, contrary to the defendant's contention, the Supreme Court did not improvidently exercise its discretion in denying, without a hearing, his motion to withdraw the plea (*see People v Lopez*, 200 A.D.3d 717). "Generally, a plea of guilty may not be withdrawn absent some evidence of innocence, fraud, or mistake in its inducement" (*People v Jackson*, 170 A.D.3d 1040, 1040, quoting *People v Rodriguez*, 142 A.D.3d 1189, 1190). On a motion to withdraw a plea of guilty, the nature and extent of the fact-finding inquiry rests largely in the discretion of the court (*see People v Jackson*, 170 A.D.3d at 1040), and only in rare instances will a defendant be entitled to an evidentiary hearing (*see People v Richards*, 186 A.D.3d 1411; *People v Lazard*, 185 A.D.3d 964; *People v Bhuiyan*, 181 A.D.3d 699). Here, the record as a whole and the circumstances surrounding the entry of the plea



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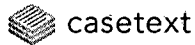
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relevant factors (see *People v Fisher*, 28 N.Y.3d 717, 726; *People v Haffiz*, 19 N.Y.3d 883; *People v Dixon*, 29 N.Y.2d 55). The plea colloquy reveals that the defendant knowingly and voluntarily admitted the factual allegations of the crimes and made no protest of innocence (see *People v Haffiz*, 19 N.Y.3d at 884-885). Although the defendant claims that his plea was not knowing, voluntary, and intelligent because the term "larceny" was not defined at the plea proceeding, neither the Supreme Court nor the prosecutor was required to do so. Courts presiding over pleading defendants are not required to engage in a "formalistic approach to guilty pleas"; in fact, they are to avoid a "uniform mandatory catechism" (*People v Conceicao*, 26 N.Y.3d 375, 382 [internal quotation marks omitted]). Here, the record of the plea proceeding demonstrates that the defendant understood the charges and made an intelligent decision to enter a plea of guilty (see *id.* at 383; *People v Goldstein*, 12 N.Y.3d 295, 301; *People v Luck*, 175 A.D.3d 1430; *People v Peralta*, 171 A.D.3d 948, 948-949).

The defendant's contention that the Supreme Court coerced him into pleading guilty is without merit. The court's comments to the defendant regarding the sentence he might receive if he were found guilty at trial were informative and not coercive (see *People v Bridgers*, 159 A.D.3d 715; *People v Martinez*, 155 A.D.3d 1063). The defendant's contention that his plea of guilty was not voluntary because he was experiencing pain due to a medical condition at the time of the plea proceeding is unpreserved for appellate review, and we decline to reach it in the exercise of our interest of justice jurisdiction (see generally *People v Navarro-Martinez*, 154 A.D.3d 781). Finally, as regards the plea, by entering his plea of guilty, the defendant forfeited the contention raised in his pro se supplemental brief that the indictment was defective on the ground that allegedly perjured testimony impaired the integrity of the grand jury proceeding (see *People v Monroe*, 174 A.D.3d 649).



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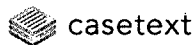
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the adequacy of his attorney's representation, except insofar as counsel's alleged ineffectiveness affected the voluntariness of the defendant's plea of guilty" (*People v Williams*, 165 A.D.3d 1183, 1183-1184). To the extent the defendant claims that he was deprived of the effective assistance of counsel with respect to the plea bargaining process, this contention is based, in part, on matter appearing on the record and, in part, on matter outside the record, and, thus, constitutes a mixed claim of ineffective assistance (*see People v Ross*, 113 A.D.3d 877, 878; *People v Ortega*, 113 A.D.3d 797, 798). Since the defendant's claim of ineffective assistance, to the extent that it has not been forfeited by his plea of guilty, cannot be resolved without reference to matter outside the record, a CPL 440.10 proceeding is the appropriate forum for reviewing the claim in its entirety, and we decline to review the claim on this direct appeal (*see People v Ross*, 113 A.D.3d at 878; *People v Ortega*, 113 A.D.3d at 798).

The defendant's valid waiver of his right to appeal precludes appellate review of the remaining contentions raised in his pro se supplemental brief.

DILLON, J.P., CONNOLLY, BRATHWAITE NELSON and GENOVESI, JJ.,
concur.

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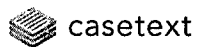
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