

No. \_\_\_\_\_

IN THE  
SUPREME COURT OF THE UNITED STATES  
VANCE COLLINS, APPLICANT

VS.

UNITED STATES OF AMERICA, RESPONDENT

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

**To the Honorable Sonia Sotomayor, Circuit Justice for the United States Court of Appeals for the Second Circuit:**

Pursuant to Supreme Court Rules 13(5) and 30(2), Applicant Vance Collins respectfully requests a 60-day extension of time, to June 18, 2023, within which to file a petition for a writ of certiorari to review the judgment of the United States Court of Appeals for the Second Circuit in this case.

Applicant states the following in support of his request:

1. The Second Circuit entered judgment in the Applicant's appeal on January 19, 2023. A true and correct copy of that Summary Order is attached hereto as Exhibit A. Unless extended, the deadline for filing a petition for a writ certiorari will be April 19, 2023. As required by Rule 13(5), this application is filed at least 10 days before the petition is due. This Court has jurisdiction under 28 U.S.C. § 1254(1).

2. This case concerns whether the Confrontation Clause of the Sixth Amendment is violated by the admission of a non-testifying codefendant's statement

at trial where references to the defendant are either deleted or replaced with neutral pronouns, but such redactions still indicate obvious alteration, and thus fail to prevent the “overwhelming probability” a jury will consider the statement against the defendant, with or without a limiting instruction. *Richardson v. Marsh*, 481 U.S. 200, 208 (1987); (citing *Bruton v. United States*, 391 U.S. 123, 131 (1968)); *see also, Gray v. Maryland*, 523 U.S. 185, 192 (1998) (holding redactions with “obvious indications of alteration” “so closely resemble *Bruton’s* unredacted statements” they fall within the same “class” of “special prejudice”).

3. Applicant was convicted, following a jury trial, of conspiracy to commit murder for hire and murder for hire pursuant to 18 U.S.C. § 1958, and illegal possession of firearms pursuant to 18 U.S.C. § 922(g)(1). Over Applicant’s ongoing objection, the district court admitted at trial the redacted statement of Applicant’s only, non-testifying, codefendant. No limiting instruction was provided to the jury. The statement either deleted Applicant’s name or replaced it with substitutions like “someone” or “him.” Despite redactions, the statement clearly referred to Applicant and contained highly prejudicial and/or incriminating assertions. On appeal, the Second Circuit upheld the statement’s admission, citing its standard to view redacted statements separate and apart from other evidence, and to routinely accept replacement with neutral pronouns. (Ex. A at 12). The Second Circuit also noted the possible implication of this Court’s pending decision in *Samia v. United States*, No. 22-196, 143 S. Ct. 542 (2022), but declined to postpone judgement. (Ex. A at 13 n. 2).

4. A 60-day extension of time is warranted so that counsel can properly evaluate, prepare, and file the petition for a writ of certiorari. Counsel was appointed through the Criminal Justice Act by the Southern District of New York to represent Applicant in his criminal trial, and continued representation through Applicant's appeal to the Second Circuit. Counsel became aware of Applicant's desire to file a petition for a writ of certiorari on April 2, 2023, and the Second Circuit appointed counsel to assist with Applicant's petition on April 5, 2023.

5. This will be Counsel's first petition for a writ of certiorari, so additional time is necessary to gain an adequate understanding of this Court's procedural requirements, along with researching the relevant complex Sixth Amendment issues. Additionally, it has been exceptionally challenging for Counsel to communicate with Applicant, who is incarcerated at FCI Otisville in Otisville, New York.

6. Counsel currently has several significant commitments during April, May, and June, including two criminal trials: the first on May 2, 2023, in the Southern District of New York before Hon. P. Kevin Castel, and the second on June 13, 2023, in the Commonwealth of Virginia, Frederick County District Court, before Hon. Alexander R. Iden. Mr. Breslin and Mrs. Singh are the sole attorneys for both Applicant's case and the upcoming S.D.N.Y. trial before Judge Castel, and the Virginia trial involves a high-profile client with an interconnected federal indictment. Counsel also has multiple post-trial submissions due for a criminal case in the District of New Jersey before Hon. John Michael Vazquez.

For the foregoing reasons, Applicant respectfully requests a 60-day extension of time, to and including June 18, 2023, be granted within which to file a petition for writ of certiorari.

April 9, 2023

Respectfully submitted,

By: /s/ Eric R. Breslin  
Counsel of Record for Petitioner

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Arletta K. Singh  
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IN THE  
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**MOTION FOR LEAVE TO PROCEED *IN FORMA PAUPERIS***

The petitioner asks leave to file the attached application to extend the time to file a petition for a writ of certiorari without payment of costs and to proceed *in forma pauperis* pursuant to Supreme Court Rule 39.

Petitioner has previously been granted leave to proceed *in forma pauperis* in the following courts: Second Circuit Court of Appeals and the Southern District of New York.

Petitioner's affidavit or declaration is not attached because the court below appointed counsel in the current proceeding pursuant to the Criminal Justice Act, 18 U.S.C. § 3600A. A copy of the order of appointment and Second Circuit Representation information identifying appointed counsel are appended to this motion.

April 9, 2023

Respectfully submitted,

By: /s/ Eric R. Breslin  
Counsel of Record for Petitioner

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*Attorneys for Petitioner Vance Collins*

**From:** cjaattyusers@ca2.uscourts.gov  
**Date:** May 19, 2021 at 10:04:55 AM EDT  
**To:** "Breslin, Eric R." <erbreslin@duanemorris.com>  
**Subject:** CJA eVoucher - c02\_prod Notifying Counsel of Appointment

To: Eric Breslin,

Date: 5/19/2021 7:04:52 AM.

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This is to inform you that the Second Circuit Court of Appeals has appointed you to represent Vance Collins in case United States of America v. Collins 2:21-AP-01291 before this court.

You may access this appointment via the CJA eVoucher program at  
[https://evadweb.ev.uscourts.gov/CJA\\_c02\\_prod/CJAeVoucher/Logon.aspx](https://evadweb.ev.uscourts.gov/CJA_c02_prod/CJAeVoucher/Logon.aspx).

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Regards,  
Second Circuit Court of Appeals

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The US Courts.

**CJA eVoucher - Second Circuit Court of Appeals**Welcome, Eric  
Breslin 

Eric R Breslin (Attorney)

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<b>1. CIR./DIST/DIV.CODE</b> 02AC	<b>2. PERSON REPRESENTED</b> Vance Collins		<b>VOUCHER NUMBER</b>
<b>3. MAG. DKT/DEF.NUMBER</b>	<b>4. DIST. DKT/DEF.NUMBER</b>	<b>5. APPEALS. DKT/DEF.NUMBER</b> 2:21-AP-01291-1-SALM	<b>6. OTHER. DKT/DEF.NUMBER</b>
<b>7. IN CASE/MATTER OF(Case Name)</b>  United States of America v. Collins	<b>8. PAYMENT CATEGORY</b> Appeal (from felony, misdemeanor, proceeding under 18 U.S.C. § 4106A, 18 U.S.C. § 983, post-conviction proceeding under 28 U.S.C. §§ 2241, 2254 or 2255, and 28 U.S.C. § 1875)	<b>9. TYPE PERSON REPRESENTED</b>  Appellant	<b>10. REPRESENTATION TYPE</b>  Appeal of a Trial Disposition
<b>II. OFFENSE(S) CHARGED</b>			
<b>EXCESS FEE LIMIT</b> \$9,100.00	<b>PRESIDING JUDGE</b> Sarah A. L. Merriam	<b>MAGISTRATE JUDGE</b>	<b>DESIGNEE 1</b>  <b>DESIGNEE 2</b>

<b>App.ID</b>	<b>Attorney</b>	<b>Order Type</b>	<b>Order</b>	<b>Email</b>
<a href="#">6159...</a>	Eric Breslin	Appointing Counsel	05/18/21	erbreslin@duanemorris.com
<a href="#">7351...</a>	Arletta Singh	Associate For Eric R Breslin	02/09/23	abusiere@duanemorris.com