

No. _____

IN THE
Supreme Court of the United States

FÉLIX VEGA-LA TORRES,

Petitioner,

v.

UNITED STATES OF AMERICA,

Respondent.

*ON PETITION FOR A WRIT OF CERTIORARI
TO THE UNITED STATES COURT OF APPEALS
FOR THE FIRST CIRCUIT*

**MOTION FOR EXTENSION OF TIME TO FILE
PETITION FOR A WRIT OF CERTIORARI**

Petitioner respectfully requests a thirty-five-day extension of time to file a petition for a writ of certiorari from the U.S. Court of Appeals for the First Circuit's decision in *United States v. Vega-La Torres*, No. 20-1888, 2022 WL 2758271 (1st Cir. July 14, 2022), pet. reh'g denied Jan. 27, 2023. The undersigned has been working diligently to research and prepare a certiorari petition, but preparation is still underway. Given the nature of the issues on appeal, and

counsel's other responsibilities, we respectfully submit good cause supports extending this deadline by thirty-five days.

This case relates to sentencing issues of exceptional importance in the District of Puerto Rico. In sentencing a defendant for a non-violent gun-possession offense, what role, if any, should a district court's stereotyped views about firearms in general and a defendant's surrounding community in particular, play in fashioning a sentence?

In the District of Puerto Rico, unlike the other 93 federal districts, U.S. prosecutors have demonstrated a disturbing pattern of seeking sentences that punish gun possession more harshly in Puerto Rico in order to send a message to the Puerto Rico population. *See, e.g., United States v. Vilorio-Sepúlveda*, 921 F.3d 5 (1st Cir. 2019). Worse still, some district judges oblige these requests, issuing more severe sentences for public-order "gun crimes" based on the stated belief that such offenses are "more serious [in Puerto Rico] than ... in a less violent society." App'x to Appellant's Opening Br. 28, *United States v. Flores-González*, No. 19-2204 (1st Cir.).

This approach — which has been endorsed by the Appellate Section of the Attorney General as "high-crime area" sentencing (*see* Gov't Supplemental Br. En Banc 33, No. 19-2204 (1st Cir.) — is not tolerated in the Second Circuit by either that Court or U.S. Attorney's Office practicing there. *See, e.g., United States v. Vásquez-Drew*, No. 20-3195, 2023 WL 2359966, at 1 (2d Cir. March 2, 2023) (agreeing with the parties that a community-targeting sentence — there, against the Bolivian community — was error in the Second Circuit).

Because the present issues have little in common with sentencing errors faced in other Circuits, and because this Court rarely hears sentence-reasonableness claims, we continue to research how to best present the issues to this Court in a certiorari petition. This has required additional time beyond the 90-day default time limit.

Further, while I endeavored to prepare the petition by the April 27, 2023 deadline, my court-assigned workload has been severely impacted since Mr. Vega-La Torres's petition for rehearing was denied on January 27, 2023. I'm currently drafting a number of First Circuit briefs and substantive district court pleadings with due dates today, April 14, 2023, April 21, 2023, and April 28, 2023.

As such, to adequately research Mr. Vega's certiorari petition, while honoring parallel responsibilities and obligations, we seek an additional 35-days beyond the present petition due date to submit a certiorari petition by June 1, 2023.

Respectfully submitted.

Executed on April 14, 2023, in San Juan, Puerto Rico.

s/Kevin E. Lerman

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