

---

In The  
SUPREME COURT OF THE UNITED STATES  
October Term 2023

---

Jeremie Saintvil,  
*Applicant/Petitioner,*

v.

United States,  
*Respondent.*

---

**Application for an Extension of Time Within Which to  
Petition for a Writ of Certiorari to the United States  
Court of Appeals for the Eleventh Circuit**

---

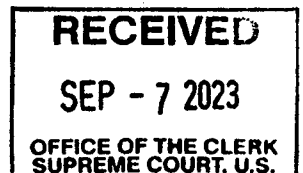
**APPLICATION TO THE HONORABLE  
JUSTICE CLARENCE THOMAS  
AS CIRCUIT JUSTICE**

---

JEREMIE SAINTVIL, #36269-509  
BUTNER LOW FCI  
P O BOX 999  
BUTNER, NC 27509

PRO SE/ PETITIONER

August 26, 2023



## APPLICATION FOR AN EXTENSION OF TIME

Pursuant to Supreme Court Rule 13.5, Petitioner, Jeremie Saintvil, respectfully requests a 30-day extension of time within which to petition for a writ of certiorari, up to and including Monday, October 30, 2022<sup>1</sup>. Given the complexities arising from a duplicitous indictment, unlawful surplusage and the constitutionally enshrined right of an accused to be tried in the proper venue, additional time is imperative to adequately present this pressing matter before the Court.

## JUDGMENT FOR WHICH REVIEW IS SOUGHT

On May 25, 2023, in *United States v. Saintvil*, No. 22-10004 (attached as Exhibit 1; original District Court Judgment attached as Exhibit 2), the Eleventh Circuit Circuit affirmed Mr. Saintvil's conviction and sentence. Mr. Saintvil petitioned the Eleventh Circuit for rehearing *en banc* and was subsequently denied on June 28, 2023.

## JURISDICTION

This Court will have jurisdiction over any timely filed petition for certiorari in this case under 28 U.S.C. § 1254(1). Under Supreme Court Rules 13.1, 13.3, and 30.1, a petition for a writ of certiorari is currently due to be filed on or before September 28, 2023. This application has been filed at least 10 days before the date a petition would be due. See Sup. Ct. R. 13.5.

---

<sup>1</sup> October 28, 2023 would be a Saturday; therefore, Petitioner is requesting until Monday October 30, 2023 to file his petition since the Court is closed on Saturdays.

## REASONS JUSTIFYING AN EXTENSION OF TIME

This case involves three issues of exceptional importance. The first centers around the Eleventh Circuit's split with this Court and every circuit that has addressed whether the two bank fraud subsections define separate and distinct offenses requiring being charged disjunctively.

This second involves the Eleventh Circuit's sanctioning of surplusage that broadened a criminal statute to include Congressional omissions. Permitting a prosecuting attorney to usurp the constitutionally invested authority of the United States Congress to define the scope of a criminal statute.

The third centers around a fundamental constitutional right to proper venue and the misapplication of the waiver doctrine of this right. The Eleventh Circuit's ruling effectively denied the Petitioner of his constitutional right to a trial in the proper venue. This Court's intervention is warranted to ensure national uniformity in the waiver of venue rights. The additional time is imperative to adequately present this matter given:

1. **Complexity of the Issue:** The instant case involves the issue of a duplicitous indictment that conjunctively charged the two subsections of the bank fraud statute as one offense, in a split with the Third, Fifth, Seventh, Ninth, and Tenth circuits which holds the two subsections are separate offenses. The constitutional consequences of sanctioning surplusage that enlarged the statutory scope of a criminal statute to include Congressional omissions. This also revolves around one of the constitutional cornerstones—the right to a fair trial in the appropriate venue. The nuanced intricacies of this case, combined with the Government's discovery violations, make it especially intricate, necessitating more time for thorough examination and preparation.

2. **Magnitude of the Constitutional Error:** The Eleventh Circuit's decision directly

conflicts

with this Court's caselaw, circuit and district courts, and endorsed the Government violation of Fifth and Sixth Amendment guarantees to Due Process and a unanimous jury verdict as to every element of the offense charged. The Eleventh Circuit sanctioned surplusage that permits the Government to define a federal criminal statute as it deemed fit, effectively usurping Congressional authority. The Eleventh Circuit's acknowledgment of the venue error, and its subsequent failure to rectify it, elevates this case's importance.

**3. Discovery Violations and Volume of Material:** Due to the Government's acknowledged discovery violations by delaying the release of approximately 193 GB of data during the trial and the vast amount of material, additional time is needed to analyze the record and properly reference it in the Petition for Writ of Certiorari.

**4. Need for Comprehensive Review of Jurisprudence:** The divergent approaches of circuit courts on the bank fraud subsections as separate offenses and venue rights, especially when waived, requires a meticulous review of case laws, ensuring that the petition robustly presents this issue for this Court's consideration.

**5. Unforeseen Circumstances:** While diligently working to prepare the petition, unforeseen circumstances, including access to discovery and delays arising from the fact petitioner is proceeding pro se while incarcerated and subject to lockdowns and other incidents typical in prison environments have hindered timely preparation. It is in the interest of justice to ensure that these circumstances do not prevent a comprehensive and detailed presentation of the matter.

**6. No Prior Requests:** This is the Petitioner's first request for an extension of time to file the Petition for Writ of Certiorari.

**CONCLUSION**

To properly present the gravity of these violations and its repercussions, additional time is vital. For the foregoing reasons, Mr. Saintvil respectfully requests that this Court grant a thirty-day extension, up to and including October 30, 2023, within which to petition for a writ of certiorari.

Dated: August 26, 2023

Respectfully submitted,



JEREMIE SAINTVIL, #36269-509  
BUTNER LOW FCI  
P O BOX 999  
BUTNER, NC 27509

PRO SE/ PETITIONER