

23-A225

In The
SUPREME COURT OF THE UNITED STATES
October Term 2023

Jeremie Saintvil,
Applicant/Petitioner,

v.

United States,
Respondent.

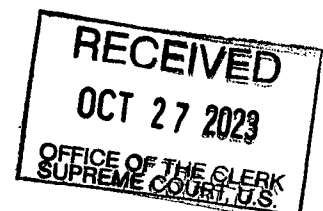
Application for a Second Extension of Time
Within Which to Petition for a Writ of
Certiorari to the United States Court of
Appeals for the Eleventh Circuit

APPLICATION TO THE HONORABLE
JUSTICE CLARENCE THOMAS
AS CIRCUIT JUSTICE

JEREMIE SAINTVIL, #36269-509
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PRO SE/ PETITIONER

October 16, 2023



APPLICATION FOR AN EXTENSION OF TIME

Pursuant to Supreme Court Rule 13.5, Petitioner Jeremie Saintvil respectfully requests an additional 30-day extension of time within which to petition for a writ of certiorari, up to and including Monday, November 27, 2022. Given the complexities of this case, additional time remains imperative to present this pressing matter before the Court adequately.

REASONS JUSTIFYING ANOTHER 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 his constitutional right to a trial in the proper venue. This Court's intervention is warranted to ensure national uniformity in waiving venue rights. The additional time is imperative to present this matter adequately.

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 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,

further 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 preparing the petition, unforeseen circumstances, including access to discovery and delays arising from the fact that the 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.

Additional time is vital to properly present these violations' gravity and repercussions. For the foregoing reasons, Mr. Saintvil respectfully requests that this Court grant another thirty-day extension, up to and including November 27, 2023, within which to petition for a writ of certiorari.

Dated: October 16, 2023

Respectfully submitted,



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