

No. _____

IN THE
Supreme Court of the United States

ALEJANDRO CARRASCO,

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-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 order denying a petition for rehearing *en banc* in *United States v. Carrasco*, 79 F.4th 153 (1st Cir. 2023), *pet. reh'g denied* Jan. 16, 2024. The certiorari petition is currently due on April 15, 2024.

The undersigned attorney 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 days.

This case deals with issues of utmost importance concerning the overbreadth and unwarranted extension of federal bribery offenses to individuals who are not actual government employees. At least three claims raised before the court of appeals are apt for certiorari consideration:

- 1) Whether a legal services contract between a private-practice attorney and a municipality automatically transform the private practitioner into a governmental agent for purposes of 18 U.S.C. § 666 liability, where the prosecution presents no evidence of the legal services actually provided and how those services contributed to the offense.
- 2) Whether the "official act" requirement that this Court deemed essential in *McDonnell v. United States*, 579 U.S. 550 (2016), to prevent the unconstitutional overbreadth of the federal bribery statute codified in 18 U.S.C. § 201(b) apply, as well, in a federal bribery prosecution under 18 U.S.C. § 666.
- 3) Whether an attorney in private practice, whose clients include municipal entities, is a "public

official” within the meaning of USSG § 2C1.1(a)(1) subject to enhanced punishment.

As can be seen, the case presents issues of widespread applicability. Issues that are particularly relevant to the legal profession and on par with the recent jurisprudence of this Court closely examining the constitutional limits of federal anti-corruption statutes. *See Percoco v. United States*, 589 U.S. 319 (2023); *Kelly v. United States*, 590 U.S. ___, 140 S. Ct. 1565 (2020); *McDonnell v. United States*, 579 U.S. 550 (2016); *Skilling v. United States*, 561 U.S. 358 (2010).

Mr. Carrasco was convicted after a six-day jury trial. The undersigned attorney was not involved in this case at the trial level nor at the direct appeal stage. As such, I have been studying the extensive factual and procedural record, as well as the various and complex legal claims brought throughout trial and direct appeal. At the same time, I have had to fulfill additional duties in other court-assigned cases, including drafting and filing appellate briefs in the First Circuit, representing indigent clients before the U.S. District Court for the District of Puerto Rico, and assisting fellow federal public defenders and CJA-appointed attorneys prepare for more than 10 recent oral arguments before the First Circuit.

For these reasons, and to adequately research and present the consequential issues in Mr. Carrasco’s case, the undersigned respectfully seeks a thirty-day extension, until May 15, 2024, to file the petition for certiorari.

Respectfully submitted.

Executed on April 5, 2024, in San Juan, Puerto Rico.

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