

Dear Justice,

I respectfully plead and pray for your consideration of this request, made under extraordinary and distressing circumstances.

I had believed myself to be in the process of preparing a petition for a writ of certiorari when, just yesterday, I discovered that my appellate counsel had withdrawn from representation—without notice, explanation, or formal substitution. Until then, I had been advised that the filing deadline was six months. Only now do I understand that the correct deadline is 90 days, which is about to expire.

At this moment, I am unable to proceed *pro se* because I lack access to my complete case files and the technical capacity to properly draft and electronically file the petition. However, I am making every effort to retain qualified federal appellate counsel on very short notice.

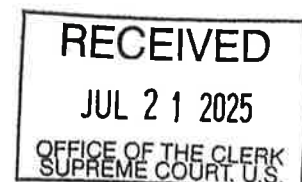
My case concerns the denial of a writ of habeas corpus by the Third Circuit Court of Appeals, which upheld the Pennsylvania Superior Court's rejection of my earlier PCRA petition. That rejection relied on procedural grounds, including the brevity of my sentence and, at the time, legal restrictions on raising ineffective assistance of appellate or PCRA counsel.

Both decisions, respectfully, were based on errors of law and fact, primarily due to the ineffective performance of prior counsel.

This is a minor, nonviolent white-collar case involving **"Ballot-Fraud"** in private corporation which Trial court ultimately acknowledged it doesn't exist as a crime under Pennsylvania Law. Of which I was accused as a co-conspirator and/or accomplice. I was acquitted of charges involving completed acts (marked ballots) but convicted of attempt-related charges involving unsealed envelopes containing empty ballots. Those convictions were based on three conspiracy counts—**one of which was subsequently vacated by a Pennsylvania appellate court**. Despite that reversal, **the trial court refused to reduce my sentence or hold a new sentencing hearing**, and to this day, **I have never been resentenced**. This represents a serious violation of my constitutional rights under the Due Process Clause and Eighth Amendment.

My case raises multiple issues of national legal significance, including:

- Violations of the Fourth, Sixth, and Fourteenth Amendments
- Denial of the right to effective assistance of counsel



- Lack of any criminal statute governing the alleged conduct within a Homeowners' Association election
- Application of vicarious conspiratorial liability without evidence of specific intent or aiding and abetting
- Use of double hearsay to initiate charges without probable cause
- Denial of confrontation rights where key witnesses never testified under oath or were shielded from cross-examination due to their own potential criminal exposure

Given the complex constitutional implications, the acknowledged flaws in my trial and appeal process, and the serious breakdown in legal representation, I respectfully request a **reasonable extension of time (Up to 60 Days)** to allow me to secure competent counsel or prepare a proper *pro se* filing once I have full access to my materials.

I make this request in good faith and in the interest of justice. I humbly ask this Court's understanding and compassion in allowing me the opportunity to be heard.

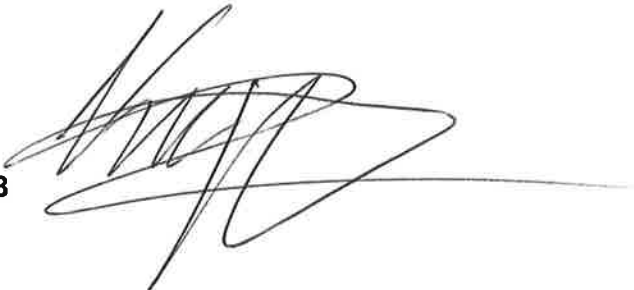
Respectfully,

Dmitry Kupershmidt

2800 Coyle St APT 318

Brooklyn NY 11229

07/16/2025

A handwritten signature in black ink, appearing to read 'Dmitry Kupershmidt', with a long horizontal flourish extending to the right.

ALD-115

UNITED STATES COURT OF APPEALS FOR THE THIRD CIRCUIT

C.A. No. 25-1157

DIMITRY KUPERSCHMIDT, Appellant

VS.

JEFF ANGRADI, Chief Probation Officer; et al.

(M.D. Pa. Civ. No. 1:21-cv-00363)

Present: BIBAS, PORTER, and MONTGOMERY-REEVES, Circuit Judges

Submitted is Appellant's application for a certificate of appealability under 28 U.S.C. § 2253(c)(1)

in the above-captioned case.

Respectfully,

Clerk

ORDER

The foregoing request for a certificate of appealability is denied because Kuperschmidt has failed to make a substantial showing of the denial of a constitutional right. 28 U.S.C. § 2253(c)(2). Jurists of reason would not debate the rejection of Kuperschmidt's ineffective assistance of counsel claims because, for essentially the reasons provided by the District Court, he failed to show that his counsel's performance fell below an objective standard of reasonableness and that the deficient performance prejudiced him. Strickland v. Washington, 466 U.S. 668, 687-88 (1984); see also Harrington v. Richter, 562 U.S. 86, 105 (2011) ("Even under *de novo* review, the standard for judging counsel's representation is a most deferential one.")

By the Court,

s/David J. Porter
Circuit Judge



A True Copy:

Patricia A. Dodszeit

Patricia S. Dodszeit, Clerk

Certified Order Issued in Lieu of Mandate

Dated: April 17, 2025
Lmr/cc: All Counsel of Record

