

UNITED STATES SUPREME COURT

NO. _____

CHIEF DISCIPLINARY COUNSEL

VS.

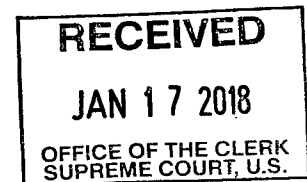
ZBIGNIEW S. ROZBICKI

APPLICATION TO EXTEND THE TIME TO FILE
PETITION FOR WRIT OF CERTIORARI

APPLICATION TO THE HONORABLE RUTH BADER GINSBURG,
JUSTICE OF THE SUPREME COURT OF THE UNITED STATES

The Petitioner, pursuant to Rules 13.5, 22, and 30, sub sections 2, 3, and 4 of the Rules of the Supreme Court of the United States, respectfully moves for a sixty day extension (60) to file A Petition for Writ of Certiorari from a decision rendered by the Conn. Supreme Court on October 25, 2017, affirming the Petitioner's suspension from the practice of law for four (4) years. The extension is sought because the Clerk of the Conn. Supreme Court failed to give notice of its October 25, 2017 decision denying the Petitioner's September 28, 2017 Motion for Reargument/Reconsideration.

There were two Motions filed on September 28, 2017 in the Conn. Supreme Court, a Motion for Stay and a Motion for Reargument/Reconsideration. Notice of the Motion for Stay was sent by first class mail and received by the Petitioner on October 29, 2017. However, no decision on the denial of the Motion for Reargument/Reconsideration was sent or published until December 22, 2017.



The Judicial Website, when checked by the Petitioner after an extended delay of not receiving a decision on said Motion, revealed that no Order was posted denying the Motion for Reargument/Reconsideration. A call of inquiry to the Clerk on December 13, 2017, revealed that the Conn. Supreme Court denied the Motion for Reargument/Reconsideration and acknowledged that the Court's denial Order was not posted on the Judicial Website. In response to the Petitioner's call, the Clerk sent a copy of its denial Order for the first time, received on December 22, 2017, appended herewith.

The sixty (60) day extension sought herein would be from March 13, 2018, the day the Petition would be due, based on the date the Clerk of the Supreme Court verbally gave notice to the Petitioner of the Court's denial of his Motion for Reargument/Reconsideration. Such verbal notice was confirmed by the Clerk when a copy of the Court's Order denying the Motion, was received on December 22, 2017.

The sixty (60) day extension from March 13, 2018, if granted, will fall on May 12, 2018. The proposed extension is justified because the Clerk of the Conn. Supreme Court failed to send a copy of the Court's Order denying the Motion for Reargument/Reconsideration, failed to give notice of its denial, and failed to post the denial of said Motion on the Judicial Website.

A copy of the Petitioner's letter to the Clerk and the resulting delayed transmittal of the Supreme Court's Order are attached as Exhibits A and B, together with the Conn. Supreme Court's decision from which the Petition for Writ of Certiorari is sought.

The fundamental constitutional due process under Connecticut and the U.S. Constitutions mandates notice of judicial decisions affecting a petitioner's substantive and procedural rights under the Fifth and Fourteenth Amendments. The Clerk of the Conn. Supreme Court acknowledged that no notice of the Conn. Court's denial of the Petitioner's Motion for Reargument/Reconsideration was sent or posted on the Judicial Website.

JURISDICTIONAL STATEMENT

The jurisdictional basis for the Application and Petition for Writ of Certiorari is from a final judgment issued by the highest Conn. Court that involves violation of the First, Fourth, Ninth, and Fourteenth Amendments.

As provided under the provisions of Rule 10(c), the Conn. Supreme Court has decided on important questions of federal law that has not been, but should be, settled by this Court and has decided on important federal questions in a way that conflicts with relevant decisions of this Court. Specifically, the Conn. Supreme Court has prohibited in its ruling an attorney's First Amendment right to criticize judges when filing meritorious motions to criticize judges.

The Conn. Courts have promulgated Rules of Professional Conduct, including Rule 8.4(4), 8.2(a) and 8.3 which violate an attorney's First Amendment rights to free speech and which shield judges from lawful criticism.

The Conn. Supreme Court ignored and refused to consider critical U.S. and Conn. Constitutional challenges and applicable principles of law as if no such defenses were raised.

The Conn. Supreme Court's de facto finding that the Motions for Recusal, constitute a violation of Rule 8.4(4) of the Rules of Professional Conduct because such "engage in conduct that is prejudicial to the administration of justice," is a clear example of a "formula for the repression of expression," without any reference that such finding cleared the hurdles of the First Amendment protection.

It is the business of a court to adjudicate motions for recusal, in its duty to administer justice. The Supreme Court's conclusion that by engaging a trial court in its duty to adjudicate a challenge to its disqualification, is prejudicial to the administration of justice, is within the U.S. Supreme Court's words in the New York Times v. Sullivan decision, a "formula for the repression of expression."

Lawyers are specially situated to assess the official performance of judges and other judicial and legal officers. Accordingly, both constitutional law and sound social polity require that lawyers have broad latitude in criticizing such officers. Under the rule of New York Times v. Sullivan, 376 U.S. 254 (1964), and its progeny, judges and other public legal officers are "public officials, so that an action by a judge or public legal officer against a lawyer for damages for defamation would require a showing of actual malice. Similar considerations should also lead to application of the standard in New York Times v. Sullivan in lawyer-discipline cases." The Conn. Supreme Court

disregarded with impunity this Court's decision in the New York Times v. Sullivan case as well as the principles of the First Amendment.

The provisions of 28 U.S.C. §2403(b) may apply because the constitutionality of a Conn. Statute or Rules of Court may be drawn into question.

Wherefore, the Petitioner respectfully requests an extension of time to file Petition for Writ of Certiorari to May 12, 2018. Such extension is sought because of the complexity of the issues to be presented and briefed which involves similar issues and decisions from other jurisdictions. As verified in the notation on the Court's Order denying the Motion for Reargument/Reconsideration ("Notice Sent"), the Petitioner's name is omitted from the list of names to whom the order was sent.

Respectfully Submitted,

A handwritten signature in black ink, appearing to read 'Zbigniew S. Rozbicki', is written over a horizontal line.

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