

No. ____ - ____

IN THE SUPREME COURT OF THE UNITED STATES

DAVIEL SALINAS ACEVEDO,
Petitioner,

v.

UNITED STATES OF AMERICA
Respondent.

APPLICATION FOR EXTENSION OF TIME TO FILE PETITION FOR WRIT OF
CERTIORARI TO THE UNITED STATES COURT OF APPEALS FOR THE FIRST
CIRCUIT

TO THE HONORABLE JUSTICE BREYER:

Petitioner Daviel Salinas, through his court appointed attorney, makes application pursuant to Supreme Court Rule 13.5 and Rule 22 to extend the time to file his *petition for Writ of Certiorari*.

Denial of petition for rehearing in the United States Court of Appeals for the First Circuit was entered July 11, 2017. Thus, the original deadline to file a petition for a writ of certiorari was October 9, 2017.

On October 2, 2017 this honorable Court entered *Order* extending the "deadline to file a petition for certiorari in a case arising from the state or federal courts of Puerto Rico ... to November 20, 2017." 583 U.S. _____. This case arises from the United States District Court for the District of Puerto Rico.

This application is filed 7 days prior to that due date. It could not be filed 10 days prior for the same reasons this application for extension of time is filed. Those reasons are explained below.

Petitioner is attaching a copy of the majority and dissenting opinions in the original Court of Appeal's decision, the majority and dissenting opinion denying panel reconsideration and the Order of Court denying petitioner's petition for rehearing en banc.

This case presents important questions of law that should be addressed by this court. To wit, a defendant's ability to present a defense of entrapment during trial. As Circuit Judge Torruella stated in his second dissenting opinion, the "injustice reaped upon Salinas by the decision of this Court foreclosing his presentation of a legitimate claim to an entrapment defense cannot be accepted without my most fervent objection."

This application for extension of time is filed because Puerto Rico is still in a state of emergency after hurricanes Irma and, more dramatically, Maria. This honorable Court recognized the devastation wreaked by Maria and *sua sponte* issued an Order automatically extending the time to file a petition for a writ of certiorari to October 20, 2017. As of today more than half the island is without power or internet access. Communications remain fragile and unreliable. Undersigned counsel still does not have internet access nor electric power. It is impossible to properly

research prepare a petition for a writ of certiorari without either.

Therefore, petitioner respectfully requests a thirty (30) day extension, until December 13, 2017, to file his petition for writ of certiorari.

WHEREFORE, the undersigned attorney respectfully prays that this Court GRANT this application and extend the time to file the petition for writ of certiorari to December 13, 2017.

RESPECTFULLY SUBMITTED.

In San Juan, Puerto Rico, November 13, 2017.

s/ Ignacio Fernandez de Lahongrais
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