

MAR 13 2018

OFFICE OF THE CLERK

No. A-_____

IN THE SUPREME COURT OF THE UNITED STATES

TESSA CHILDRESS, a/k/a TESSA RANI RAYBOURNE GIBSON
CARLISLE CHILDRESS, filed as TESSA RANI RAYBOURNE
GIBSON CARLISLE CHILDRESS, PETITIONER,

v.

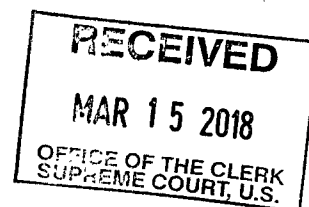
CITY OF CHARLESTON POLICE DEPARTMENT; LIEUTENANT
CHITO T. WLAKER; OFFICER SANDERS; OFFICER KOEGLER;
SERGEANT RATLIFF; D-O FNU WILSON; D-O FNU;
D-O FNU GANT, RESPONDENTS.

**PETITIONER'S APPLICATION TO EXTEND TIME
TO FILE A PETITION FOR WRIT OF CERTIORARI**

**Directed to the Honorable John G. Roberts Jr.,
Chief Justice of the United States and Circuit Justice for the
United States Court of Appeals for the Fourth Circuit**

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Petitioner, Pro Se



To the Honorable John G. Roberts Jr., as Circuit Justice for the United States Court of Appeals for the Fourth Circuit:

Tessa Childress, a/k/a Tessa Rani Raybourne Gibson Carlisle Childress, filed as Tessa Rani Raybourne Gibson Carlisle Childress, (“Petitioner”), respectfully requests a 30-day extension of time to file a Petition for Writ of Certiorari. This request, if granted, would extend the deadline from March 21, 2018, to April 20, 2018. Petitioner is submitting this Application on the ninth day preceding the March 21, 2018 deadline, but contends that extraordinary circumstances exist to overlook the 10 days before the due date rule. See S. Ct. R. 13.5.

Petitioner will be asking this Court to review a judgment of the United States Court of Appeals for the Fourth Circuit, issued on December 21, 2017 (App. A), which rejected Petitioner’s contention that the district court’s judgment should be reversed in light of court-appointed, Criminal Justice Act (“CJA”), counsel’s ineffective assistance, under the premise that the Sixth Amendment’s guarantee of effective assistance of counsel does not apply to civil actions. *Turner v. Rogers*, 564 U.S. 431, 441 (2011). The Court’s jurisdiction to review the Fourth Circuit’s judgment rests on 28 U.S.C. § 1254.

Petitioner did not file a petition for rehearing. However, Petitioner did ask the Fourth Circuit to protect her from vexatious litigation by Respondents and their counsel. Petitioner also asked the Fourth Circuit to appoint counsel to assist her in applying for a Petition for Writ of Certiorari in this Court. The Fourth Circuit denied both requests on February 12, 2018, (App. B), thereby leaving Petitioner in the position of pursuing certiorari in her Proper Person.

The Fourth Circuit notified Petitioner that, because she was represented by CJA counsel in the district court, that attorney was listed as her legal representative. (Apps. C, and D). However, it became apparent that counsel abandoned Petitioner shortly after the district court dismissed Petitioner’s case. (App. E) (Order appointing counsel “until the conclusion of the matter.).

Petitioner then filed a Pro Se Informal Brief in the Fourth Circuit. Yet, it was denied on December 21, 2017. (App. A).

Petitioner then asked the Fourth Circuit to appoint counsel to assist with further appellate review – a request that was later denied. (App. B). Afterwards, through a series of telephone conversations with the Fourth Circuit's Clerk, Petitioner was given the impression that, because CJA counsel represented Petitioner in the district court, she was entitled to further representation. Unfortunately, that conception was later dispelled when the Fourth Circuit refused to appoint counsel. (App. B).

After that Order was issued, Petitioner was left scrambling to find counsel from various legal aid-related agencies. As of March 9, 2018, each of those attempts were unsuccessful, thereby leaving Petitioner to prepare a Petition for Writ of Certiorari on her own with little time remaining to do so.

Consequently, Petitioner requests this extension of time for the following reasons:

1. Petitioner's complaint to the Fourth Circuit essentially alleged that CJA counsel did not properly prepare Petitioner for the settlement hearing, that counsel refused to represent Petitioner in all areas of the case; that counsel intimidated Petitioner when counsel made Petitioner believe that a jury would not get an opportunity to consider the substance of pleadings and documents filed by Petitioner; and that counsel coerced and intimidated Petitioner to accept a monetary compromise and forgo essential Constitutional safeguards.

In addition, Petitioner complained that counsel allowed the settlement hearing to move forward without a signed, agreed to, settlement agreement; or, stated differently, an agreement that Petitioner contested and refused to sign.

The Fourth Circuit rejected Petitioner's allegations in all respects by concluding that Petitioner was not entitled to effective counsel in the civil setting.

2. This case presents substantial and important questions of law, including: (1) does this case create a unique opportunity for this Court to apply a civil *Gideon v. Wainwright*, 372 U.S. 335, 344 (1963); (2) does the civil *Gideon* appointed counsel encompass the to the effective assistance of counsel, *McMann v. Richardson*, 397 U.S. 750, 771 n.14 (1970); and (3) what does due process require of CJA appointed counsel's performance in a complex case where a litigant can fairly be represented only by a trained advocate, in light of this holdings in *Gagnon v. Scarpelli*, 411 U.S. 778, 788 (1973).

3. Petitioner is not schooled in law, but will do her best to prepare an appropriate certiorari petition. Although that preparation appears to be a mounting and challenging task, Petitioner believes that the additional time will allow her enough time to understand the complex issues involved, and prepare an exemplary petition by April 20, 2018.

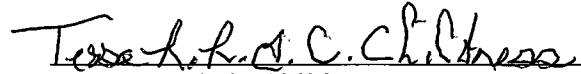
4. The decision whether to file itself warranted substantial time. Seeking this Court's review in any case is a serious decision, and a very difficult undertaking for a pro se litigant filing a Petition for Certiorari. Moreover, beyond its cover, this case is uniquely important and complex, and presents important issues warranting a carefully prepared Petition covering fundamental questions of what is required of appointed CJA counsel in the civil setting.

5. Petitioner recently failed in a vigorous attempt to find pro bono counsel, with Supreme Court expertise, to assist in this case. Additional time is therefore necessary, and warranted, for Petitioner to become objectively familiar with the record below, to research relevant legal precedents and historical materials, and to take an objective look at the issues involved, and to prepare a Petition for Writ of Certiorari on her own.

CONCLUSION

For the foregoing reasons, Petitioner requests an extension of thirty (30) days to file a Petition for Writ of Certiorari, up to and including April 20, 2018.

Respectfully submitted this 13th day of March 2018.



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CERTIFICATE OF SERVICE

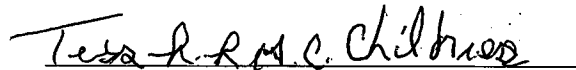
I certify that a copy of this document has been has been sent by e-mail and United States

Mail on March 13, 2018, to:

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