

No. _____
In the Supreme Court of the United States

KENNETH WASHINGTON
Petitioner

v.

THOMAS GRIFFIN
Respondent.

APPLICATION FOR AN EXTENSION OF TIME TO FILE
PETITION FOR WRIT OF CERTIORARI TO THE
UNITED STATES SUPREME COURT

To the Honorable Ruth Bader Ginsburg, Justice of the Supreme Court of the United States and Circuit Justice for the United States Court of Appeals for the Second Circuit:

Petitioner Kenneth Washington requests an extension of time of thirty days, until March 26, 2018, to file his Petition for Writ of Certiorari. The judgment was entered on November 28, 2017 and petitioner's Petition for Writ of Certiorari is currently due on February 26, 2018. This application is being filed more than 10 days prior to the due date.

Attached to this application is a copy of the published decision of the Court of Appeals for the Second Circuit in this case. This Court has jurisdiction under 28 U.S.C. § 1254.

Petitioner's case raises two important questions. First, whether this Court's decisions in Melendez-Diaz v. Massachusetts, 557 U.S. 305 (2009), and Bullcoming v. New Mexico, 564 U.S. 647 (2011), clearly established, for purposes of the Antiterrorism and Effective Death Penalty Act, that statements by forensic analysts who tested a targeted suspect are testimonial notwithstanding the Court's inability

reach consensus in Williams v. Illinois, 123 S.Ct. 2221 (2012), concerning whether such statements are testimonial if testing was conducted before a suspect was targeted. The second question is whether the Certification made by a custodian of records for introducing, as direct evidence against the defendant, the statements made by the testing analysts renders such statements testimonial. Mr. Washington's position is that the State cannot circumvent Confrontation Clause protections by providing an after-the-fact certification that permits the statements made by others to be introduced into evidence with full force and effect but not subject to cross-examination.

I am requesting this extension of time because, as Attorney-in-Charge, I will be supervising work on another Petition for a Writ of Certiorari that must be done simultaneously with this one, and because I was just informed last week that the Northwestern University Pritzker School of Law Supreme Court Clinic will review the Petition in this case before it is filed. The Assistant District Attorney assigned to this case, William Branigan, does not object to this request.

Respectfully submitted,

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February 7, 2018