

IN THE SUPREME COURT OF THE UNITED STATES

NO. _____

SALVATORE PELULLO

Petitioner, v.

UNITED STATES OF AMERICA,

Respondent.

On Petition for Writ of Certiorari to the United States Appeals Court for the Third
Circuit

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

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

To the Honorable Samuel Anthony Alito, Jr., Associate Justice of the Supreme Court of the United States and Circuit Justice for the Third Circuit:

Petitioner, Salvatore Pelullo, respectfully applies to this Court for an order extending the time in which to file his petition for writ of certiorari from December 22, 2022 to February 20, 2023, a period of sixty (60) days. This Court has jurisdiction under 28 U.S.C. §1257. In support of this Application, Mr. Pelullo states as follows:

1. Mr. Pelullo is incarcerated under conviction of violation of the Racketeer Influenced and Corrupt Organizations Act ("RICO"), 18 U.S.C. § 1962(d); conspiracy to commit securities fraud, in violation of 18 U.S.C. § 371; conspiracy to commit wire fraud, in violation of 18 U.S.C. § 1349; sixteen substantive counts of wire fraud, in violation of 18 U.S.C. § 1343; conspiracy to commit money laundering, in violation of 18 U.S.C. § 1956(h); conspiracy to commit bank fraud, in violation of 18 U.S.C. § 1349; conspiracy to make false statements in connection with a loan application, in violation of 18 U.S.C. §§ 371 and 1014; and conspiracy to transfer a firearm to prohibited persons, or to possess a firearm by a convicted felon, in violation of 18 U.S.C. §§ 371 and 922. On July 29,

2015, Petitioner was sentenced to 360 months imprisonment. On July 15, 2022, the United States Court of Appeals for the Third Circuit issued an opinion in Case No. 11-740 (attached as Ex. "A"), wherein the en banc Court affirmed the judgment of the United States District Court for the District of New Jersey in Case No. D.C. Nos. 1-11-cr-0740-001 thru 004 on September 22, 2022 (attached as Ex. "B").

2. Mr. Pelullo's case raises important questions regarding whether Congress has the constitutional authority to dispossess citizens of their Second Amendment right to bear arms based on a citizen's prior non-violent felony conviction. Further, petitioner's case raises important questions about clearly established federal law as construed by this court as set forth in *Zedner v. U.S.*, 547 U.S. 489 (2006). Finally, the Third Circuit's decision in this case conflicts with the U.S. Supreme Court decision in *U.S. v. Strickland*, 466 U.S. 668 (1980) regarding petitioner Pelullo's actual conflict with trial counsel J. Michael Farrell.
3. Mr. Pelullo now seeks a writ of certiorari for the United States Court of Appeals for the Third Circuit with respect to its en banc decision. This Court's jurisdiction to grant the same arises pursuant to 28 U.S. C. § 1254 (1).

4. According to Supreme Court Rule 13.3, a petition for writ of certiorari for petitioner Pelullo is due on or before December 22, 2022. See Supreme Court Rule 13.3 (“the time to file the petition for a writ of certiorari . . . runs from the date of the denial of rehearing or, if rehearing is granted, the subsequent entry of judgment”).
5. However, the time granted by Supreme Court Rule 13 will be insufficient to allow Petitioner’s counsel to do justice to the issues at hand, which are of vast import. Therefore, Petitioner seeks an extension of sixty (60) days in which to file his petition for a writ of certiorari. See Supreme Court Rule 13.5 (“[A] Justice may extend the time to file a petition for writ of certiorari for a period not exceeding 60 days”).
6. In accordance with Supreme Court Rule 13.5, this Application is submitted at least ten (10) days prior to the present due date. Further, the requested extension is made in good faith and not for the purposes of delay. Indeed, the requested extension is made because of the vital importance associated with the issues at hand – the right to a fair and reliable sentence. This Court has repeatedly emphasized the duty to search for constitutional error with painstaking care. See *Burger v. Kemp*, 483 U.S. 776, 785 (1987).
7. It is respectfully submitted that counsel’s duty to present all authorized claims of constitutional error with care is of equal import. Thus, it is

important that counsel be granted additional time to prepare Mr. Pelullo's petition with the care demanded of such cases inclusive of seeking amicus review by learned counsel.

8. Additionally, other obligations, including on behalf of clients who face life in prison, have precluded counsel from being able to direct adequate time and attention to the preparation of a petition for writ of certiorari on Petitioner's behalf.
9. Therefore, in light of counsel's current obligations and the importance of the constitutional issues that will be presented in this case, counsel submits that a sixty (60) day extension is necessary and appropriate in order to effectively prepare the petition for certiorari on Mr. Pelullo's behalf.

Wherefore, in the interest of justice and for good cause shown, counsel for Mr. Pelullo respectfully request that this Court extend the current December 22, 2022 deadline until February 20, 2023.

Respectfully Submitted,

Date: December 8, 2022

/s/ Troy A. Archie
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**THE SUPREME COURT
OF THE UNITED STATES OF AMERICA**

SALVATORE PELULLO,

Petitioner

- vs -

UNITED STATES OF AMERICA,

Respondent

Docket No. _____

CERTIFICATE OF SERVICE

Motion for 60 Day Extension

I, Troy A. Archie, Esq., hereby certify that on December 8, 2022, I caused a copy of the attached Motion for 60 Day Extension to file a Writ of Certiorari and Appendix to be served by, Electronic Mail and US Priority Mail upon:

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