

(Duplicate)

SUPREME COURT OF THE UNITED STATES

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PATRICK BOWIE,

Petitioner

APPLICATION FOR AN
EXTENSION OF TIME TO
FILE A PETITION FOR
A WRIT OF CERTIORARI

-against-

STATE OF NEW YORK

Respondent.

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To Justice Sonia Sotomayor, Associate Justice of the Supreme Court and Circuit Justice for the Second Circuit:

1. The incarcerated petitioner, a pauper, hereby respectfully applies for an extension of time within which to file a petition for a writ of certiorari to review the judgment of the United States Court of Appeals for the Second Circuit in the above-entitled proceedings. The judgment of that court was rendered on June 12, 2023. A copy of said judgment is attached hereto and made a part hereof. The time in which to file a petition for certiorari will, unless extended, expire on September 10, 2023. The application requests that the time be extended 90 days from September 10, 2023, to December 10, 2023.

2. The judgment of the United States Court of Appeals for the Second Circuit affirmed the decision and order of the Southern District Court holding that petitioner has not "made a substantial showing of the denial of a constitutional right." The jurisdiction of this Court rest on 28 USC Sec. 1254(1).

3. The issues to be raised before this court are those the Court of Appeals erroneously denied issuance of petitioner's application for a COA when demonstrated that reasonable jurist

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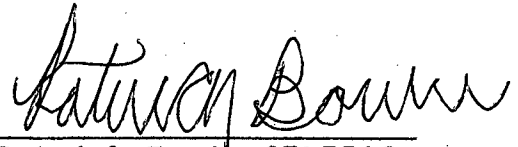
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SUPREME COURT, U.S.

would find the constitutional issues debatable. These claims were properly raised in the State and affirmed by the District Court, Southern District and Second Circuit Court of Appeals, which relates to the validity of the State Court conviction, under the Sixth and Fourteenth Amendment of the United States Constitution. Statements of an unproduced witness was admitted into evidence and viewed by the jury, without the petitioner able to confront his accuser. In addition, petitioner's counsel was ineffective when he failed to make an objection to the violation of petitioner's confrontation rights. These violations of petitioner's constitutional rights run a foul of Crawford v. Washington, 541 U.S. 36 (2004); and Strickland v. Washington, 466 U.S. 668 (1984).

4. The complexity of these issues compels the petitioner to seek the assistance of a Green Haven law library clerk with the preparation and filing of a writ of certiorari. The clerk that helped with the preparation and filing of petitioner's COA and En banc petition is attending college summer courses. Therefore, a request slip must be submitted to attend the law library, which is only available twice a week. Once in the law library an appointment will be made to meet with a clerk to discuss the aforementioned issues. This entire process takes about 45 days. I will be dependent on the case load of the clerks, when a clerk can assist with the petition. In view of the extensive appeal history, the importance and complexity of the federal constitutional issues, and the unfamiliarity with the law clerk when assigned, this extension of time is necessary.

WHEREFORE, it is respectfully requested that the time for filing the petition be extended to and including December 10, 2023.

Dated: July 6, 2023



Patrick Bowie 07A5516
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