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Supreme Court, U.S.  
FILED  
JUN 15 2026  
OFFICE OF THE CLERK

In The  
SUPREME COURT OF THE UNITED STATES

JOSHUA KELLIER- PETITIONER

VS.

WARDEN BRIAN MCAULIFFE- RESPONDENT(S)

APPLICATION FOR BAIL

CORPORATE DISCLOSURE STATEMENT

Petitioner is not a corporate entity there is not parent or publicly held company owning 10% or more of the corporation's stock. As contemplated by rule 29.6.

To Justice, \_\_\_\_\_ Associate Justice of the Supreme Court of the United States and Circuit Justice for the Second Circuit.

INTRODUCTION

1. Petitioner, [Joshua Kellier] was indicted on February 27, 2024, in Criminal Action Case No. 00757-17 in the Supreme Court for the state of New York County of New York. (hereafter referred to as Superior Court), on four charges of Sexual Abuse in the first and Third degree, Forcible touching, and public lewdness in violation of New York State criminal Penal Law). After trial by jury on June 24, 2024, the judge Robert M. Mandelbaum, trial judge presiding, petitioner was found guilty not on all counts of the indictment. on June 24, 2024, the first day of trial petitioner was held in Criminal Contempt of court. Mr kellier was committed on criminal contempt committment papers. On July 25, 2024, Mr. Mandelbaum sentenced petitioner to 7-years imprisonment. Petitioner was ordered committed to the custody of the Department Of Correction and Community Supervision.

2. Pursuant to U.S. Sup. Ct. Rule 46, "The Provisions of 18 U.S.C. §3143 governs release pending sentencing or appeal."

DOES A JUDICIAL OFFICER OF THE FEDERAL APPELLATE COURT HAVE THE AUTHORITY TO GRANT THE APPLICATION FOR BAIL?

4. The judgment of the Court of Appeals was rendered and filed January 15, 2026. The Jurisdiction of this court is invoked under 28 U.S.C. §1254(1).

The Bail Reform Act of 1966 is the motivating factor which

was largely to assure a greater of fairness to the indigent defendant's by providing a mechanism for presumptive release on their own recognizance without posting security during its sometimes lengthy period before its determined whether or not a conviction will result. nearly twenty years later , however, the statutory provision relating to bail were considerably modified by the Bail Reform Act of §1984, which will be founded in Title II Chapter 1 (begining with section 202 of PL. 98-473. Section 203(a) of PL. 98-473 repealed the formed provisions and substituted new provisions, now codified in 18 U.S.C.A. §§1341-1350, which are to govern bail in federal cases.

Of particular interest connected with bail in this cases connected with federal cases are present provisions of 18 U.S.C. of 3143 (b), which governs the release pending appeal by defendant and 18 U.S.C. §3143 (c), which governs release pending appeal by the government. Under the provisions, if the defendant, has been found guilty and sentenced to imprisonment he could be ordered released on his own recognizance if the Judicial officer finds (1) by clear and convicing evedence that the person is not likely to flee or pose a danger to the safety of another or community if released; and (2) That the appeal is not for the purposes of delay and raise a substantial question of law and fact likely to result in reversal, an order for new trial, a sentence that does not include a term of imprisonsment, or a reduced sentence to a term of imprisonment less than the total of time already served plus the expected duration of the appeal process.

#### WHY PETITIONER IS NOT A FLIGHT RISK?

5. Mr. Kellier is not a flight risk. Mr. Kellier's charged offense are bailable offenses. Mr. Kellier is the defendant in criminal indictment 00747-17. Mr. Kellier's case lasted for a period of 8-years. Mr. Kellier attended each and every court proceeding. Mr. Kellier was 29 years old when accused of such crimes. Similary he spent the duration of the entire time prior to age 29 and the 8-years without someone accusing his of such crimes. He had been granted pre-trial release before on ROR and never violated its conditions. This condition was to appear at all pretrial proceedings. Mr. Kellier was disabled before he came to prison. The State Court had knowledge of this. He informed the Court why he went to the Hospital and couldn't attend the hearings. He gave the Judge and the attorney a copy of the hospital discharge papers . Mr. Kellier was subjected to violence in prison, on more than one occassion. Becuase of the disability he wasn't able to fight back. This resulted in his jaw being broken. He needs Medical Care. Mr. Kellier doesn't pose any risk of violence to the public . Continued detention with his broken jaw bone poses a risk to his health and safety. His Charges makes him a target in prison. this created a special circumstance. Mr. Kellier was transported to prison to be persecuted by inmates and Correctional Officers on behalf of the State and the prosecutor who conspired against liberty. Mr. Kellier continues to be denied Health Care in prison. Mr. Kellier spent only 4-months in Rikers Island in 2022. Mr. Kellier in February 2018 went on a trip to Paris. Mr Kellier booked the trip for two weeks. Mr. Kellier returned back to the United States. Mr. Kellier attended the next Court date. Mr. Kellier attended each and every court proceeding under indictment

number 00757-17 outside of the Hospital visits. The weight of the evidence is in favor of Mr. Kellier. The evidence shows that the complainant's lied. The first trial ended in favor of Mr. Kellier. The weight of the evidence is against the complainant. Mr. Kellier seeks bail pending the writ of Certiorari/appeal to this Court. The nature of offense is sexual. The charged offenses requires some level of violence to cause physical injury. The fact of the matter shows Mr. Kellier did not partake in any violence. Therefore, Mr. Kellier is not a flight risk or risk to any member of the community.

WHY THE SUPREME COURT SHOULD CONSIDER GRANTING THE BAIL APPLICATION OR REFER IT TO THE SECOND CIRCUIT IF IT SEES FIT THAT JUSTICE REQUIRES IT?

6. The Supreme Court should consider granting the petitioner's application for bail. It is highly unlikely that if petitioner's second bail application went before the Second Circuit Justice of either District Court or Second Circuit after the denial of both the COA and his writ of Habeas Corpus that it will result in its being granted. For the same reasons stated in paragraph "How bail was improperly denied" the judges in both Court's antagonization of Mr. Kellier's filings made it impossible for him to receive a favorable outcome or decision on his motion/writs. This make the circuit judges unavialble as the are disqualified and could recuse themselves. As noted below Rule 22.5 does however, expressly provide that a justice to who an application for bail is submitted may refer it to the Court for determination; and in occassional cases justice may do so. It must be assumed so that a question that has significant probability to bring about a grant of Certiorari. The question raised in the petition before the court is Whether the petitioner using the words "Wrong and Debatable" after the Supreme Court holding or holdings that contradict the facts supported by the documentary evidence of the Writ makes a substantial showing of a denial of a Constitutional Right? Stare Decisis dictates the Court's policy to stand by a precedent established by the higher court and applying it to all later cases with similar facts unless there is a significant reason not to do so. Because the facts cited in cases similar to an instant matter theres a high probability that the court will reach the same conclusion and find that Mr. Kellier made a substantial showing of of the denial of his constitutional right, stated a valid constitutional claim, or showing of an incorrect Procedural Ruling. In *Slack v. McDaniels*, 529 U.S. 473, 120 S.Ct. 1595, 146 L.Ed.2d 542 the Supreme Court held ("The petitioner must demonstrate that reasonable jurist would find the District Court's assesment of the Constitutional Claims debatable or wrong")i.d. *Slack .*, at 484. ~~ThisSlackSlackdid not attempt to make a substantial showing~~ of a denial of a Constitutional right. Instead he argued only that the District Court's procedural rulings were wrong." i.d. *Slack .*, at 485. Here Mr. Kellier did using the words "wrong" multiple times and the word "debatable" once in his COA and both multiple times in his Writ of Certiorari. He also stated the District Court's Procedural ruling was incorrect and showed that the jurist of reason would disagree. Then asked the question whether the District Court errored in its procedural ruling when it disa-

greed that Mr. Kellier's attached transcripts, constitutional claims, or failed to appoint counsel or conduct discovery?

In *Miller-El v. Cockrell*, 537 U.S. 322, 123 S.Ct. 1029, 154 L.Ed. 2d 931, the Supreme Court upheld the same standard ("As we stated in *Slack*, "[w]hen a district court has rejected the constitutional claims on the merits, the showing required to satisfy §2253(c) is straightforward: the petitioner must demonstrate that reasonable jurist would find the District Court's assessment of the constitutional claims debatable or wrong.") *id.* *Miller-El*, at 339. This means that there is a reasonable significant probability that four justices would vote to grant petitioner's petition and view the case on its merits because the words "wrong" and "debatable" were used. And showing how the procedural ruling was incorrect using Justice Roberts' opinion. These factors coupled together with the facts or concepts that the State Court has upheld a conviction and sentence in violation of the petitioner's constitutional right emphasize the importance of the right to personal liberty. Indeed the case is worthy of reviewing but is left to Justices to decide. Therefore, Mr. Kellier requests that the Supreme Court grant petitioner's application for bail.

WHAT OTHER IMPORTANT QUESTIONS DOES THE WRIT OF CERTIORARI CONTAIN?

7. Whether Mr. Kellier's First Amendment right was violated when he was: a. Told he could not speak to the judge and only his appointed attorney he fired. b. Told he could not speak in front of the jury regarding the prior inconsistent statements of the complainant's or regarding the outcome of the first trial, can't make his own objections because he has an attorney. c. Held in contempt on June 24, 2024, for exercising protected speech activities.. .? Mr. Kellier's petition also contained the question whether his Sixth Amendment right to Self-Representation was violated or the District Court's assessment wrong or debatable, when Mr. Kellier was unwilling to have Mr. Lesser as his counsel, but the judge called him such, and held Mr. Kellier in Contempt of Court to force counsel and to cooperate with the attorney he fired and had no confidence in...? Whether Mr. Kellier's Sixth Amendment right to Speedy Trial was violated when: a. The prosecutor failed to bring Mr. Kellier to trial within 6-months? b. The judge extended the prosecution 8-years past the statutes of limitations. Can a Judge extend the prosecution past the fixed 5-year bar against prosecution or 6-month bar against prosecution? These important questions of law and fact are likely to result in reversal, vacature, or reduction of sentence or just a sentence without a term of imprisonment.

HOW BAIL WAS IMPROPERLY DENIED AND WHAT STEPS DID MR. KELLIER TAKE TO SEEK BAIL OR RELEASE ON HIS OWN RECOGNIZANCE BEFORE HIS APPLICATION TO THE SUPREME COURT?

8. Mr. Kellier filed his writ of habeas Corpus on October 17, 2025;. Mr. Kellier motioned for bail in the District Court. The motion like all others he filed went unanswered, for over 2-months. The Writ of habeas Corpus was denied. Mr. Kellier's motion

for bail was ruled on. This is an informal denial. All motions was said to be moot. Mr. Kellier's motions were filed almost a year without a ruling. All motions were said to be moot in the order to dismiss. Reluctance. Mr. Kellier filed his certificate Of Appealability (COA) in the Second Circuit. The court denied it . Petitioner wasn't afforded the opportunity to file his motion for bail with the Second Circuit. This is because his COA was denied. Mr. Kellier's application for bail was filed with the District Court. Petitioner wasn't afforded Due Process of law under 18 U.S.C. §3141(c). The Second Circuit didn't grant petitioner's informal pauperis application. No index number was given for his appeal.

**WHAT ARE THE COMPELLING REASONS WHY THE BAIL APPLICATION SHOULD BE GRANTED?**

9. Petitioner contends that release to be necessary for preparation of the person's defense. For example, research access to legal books, evidence, medical attention, paperwork he lost access to once he was held in Contempt of Court, internet, editing tools, Microsoft word, my own printer and phone, liberty, etc. The compelling reason special/exigent circumstances described in the paragraph "Why Mr. Kellier is not a flight risk." His continued imprisonment, petitioner's person, life, and safety is threatened. A period of more than five years has elapsed since the alleged crime has been committed. See section(e)(2)(c) of 18 U.S.C. §3142. The charged offenses are not capital offenses. The sentence imposed was not diminished by the 8-years Mr. Kellier spent in pretrial custody as required by CPL §70.30(3). He was committed to jail for criminal contempt charge he did not receive a trial by jury for. In our Society liberty is the norm, and detention prior to trial or without trial is the carefully limited exception." United States v. Salerno, 481 U.S. 739, 755, 107 S.Ct. 2095, 2105-06, 95 L.Ed.2d 697(1987).

In Tierney v. U.S. 1232, 93 S.Ct. 17, 34L.Ed2d 37(1972), grand jury witness moved for bail pending disposition of their petition for Writ of Certiorari seeking review of a Court of Appeals affirmation of Civil Contempt orders. In granting bail, justice Douglas stated:

"[B]ail, shall be granted if the issues are not frivolous and if the appeal is not taken for delay."id.

**WHY THE APPEAL IS NOT TAKEN FOR THE PURPOSE OF DELAY AND RAISES A SUBSTANTIAL QUESTION OF LAW OR FACT?**

10. 70.30(3) required the court to diminish the seven year sentence by 8-years Mr. Kellier spent in the pretrial Constructive Custody of the State Court. This fact is based on a substantial legal basis under the law. Not frivolous. The state court never executed the responsibilities of its duty under the law. Mr. Kellier's conviction was obtained in violation of his constitutional rights. Mr. Kellier seeks to challenge the legality of his detention. The habeas Writ of habeas Corpus is not filed nor intended

to be malicious harass respondents. Mr. Kellier release is delayed. not the other way around. A delay in his release has no connection to petitioner applying for bail, unless done incorrectly. The bail motion speeds up the changes in his status from imprisonment to conditional release. All petitioner's issues/arguments are based on a substantial legal basis in the law/ constitutions. the question of law fact raised would likely result in a sentence that doesn't require imprisonment or reduction of sentence at the very least pursuant to section (b)(1)(b)(iii)(iv) of 18 U.S.C. §3143. Mr. Kellier filed his writ of Certiorari to address the inordinate delay not to contribute to the inordinate delay.

#### WHY BAIL SHOULD BE GRANTED AFFORDED TO PETITIONER?

11. Since no reasons were given for the actions of the District Court or the Court Of Appeal in denying petitioner's application for bail, petitioner is unable to discuss on petitioner's behalf any of the factors which may have impelled those courts to do so. The perhaps legal action against the City of New York, in Kellier v. billups which was also dismissed by the District Court and on appeal by the same judge Ms. Laura Taylor Swain and Ms. Debra Ann Livingston, may have been such a factor. The similar acts render the motions moot after summary dismissal of the action and statements made by the judges. The procedural circumstances are similar to those presented in this criminal case.

"Bail is basic to our system of law." Herzog v. U.S., Supra [75 S.Ct. 349, 351(1955)]. Though it is not available as a matter of right in every case, and though at times it can be abused, equal justice under the law requires that bail not be denied even a notorious law violator if he has a substantial question to be resolved on appeal." Cohan v. U.S., 82 S.Ct. 8(1961), See also 82 S.Ct. 518, 526 for other opinions of Justice Douglas as Circuit Justice in Cohen case.

#### WHEN BAIL SHOULD BE GRANTED?

12. Petitioner, having successfully applied for bail to the trial judge and the United States Supreme Court, under the provisions of the U.S. Sup. Ct. Rule 22 & 36(3)(a) Federal Rule of Criminal Procedure 46 (a)(2) which provides in part as follows:

"Bail may be allowed pending appeal or Certiorari unless it appears that the appeal is frivolous or taken for delay. Pending appeal, to the Court of Appeals, bail may be allowed by the trial judge, by the Court of Appeals, or by any judge thereof or by the trial judge, by the Court of Appeals, or by any judge thereof or by the circuit justice, to run until the final termination of all courts.

Petitioner's petition and motion to proceed in forma pauperis from his conviction in the District Court is neither frivolous nor taken for delay.

#### WHAT IS THE NATURE FOR THE APPLICATION FOR BAIL?

13. A Civil action. The offenses charged are sexual in nature.

#### WHY BAIL SHOULD BE ONLY \$170 OR \$1? IF IT WAS GRANTED.

14. Petitioner submits that an appropriate amount of bail in this case would be \$170, or \$1. The very fact that petitioner has petitioned for leave to appeal Informa Pauperis is an indication that he lacks the financial ability to furnish any substantial bail bond.

CONCLUSION

Wherefore, Petitioner prays that the Supreme Court Justice or a Circuit Justice order that he be released on \$170.00 or \$1 bail or his temporary release on his own recognizance (ROR) or just immediate release under section (b)&(c) as stated in 18 U.S. C. §3143. Under section (f) petitioner request the court hold a detention hearing.

We presume the government will reply promptly to the petition for Certiorari. Even assuming, if the court were to deny Certiorari petitioner would still face many months of imprisonment.

For the forgoing reasons, petitioner respectfully request that his admittance to bail or ROR be continued pending disposition of his petition for Writ Of Certiorari and, if Certiorari be granted until decision by this Court. under rule 36(3).

Date: June 13, 2026

*John Kelly* I Reserve all Rights  
(Signature)

DECLARATION OF SERVICE

I Joshus Kellier, a [petitioner] in the Cape Vincent Correctional Facility, here in, declare under the penalty of perjury pursuant to 28 U.S.C. §1746, that on the day of June 15, 2026, I served a copy of [Application for bail, and its Proof of Service, in a seperate envelope with its respective acknowledgement] on the respondent [Warden Brain McAuliffe's Attorney Mathew keller] and Clerk of the Court [Scott S. Harris] a copy herein by delivery by certiofied mail with signature return reciept to [Office Of Attorney General, 28 Liberty street, New York, N.Y. 10005, and to the United States Supreme Court, U.S. Sup. Ct. Bldg., 1 First N.E., Washington, D.C. 20543, Scott S. Harris, Clerk of the Court .]

I declare under the penalties of perjury that the foregoing is true and correct. Executed on June 15, 2026.

All parties required to be served have been served.

I declare under the penalties of perjury that the foregoing is true and correct. Executed on [June 15, 2026].

Joshua Kellier I Reserve All Rights  
Joshua Kellier

No. 25-7578

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IN THE  
SUPREME COURT OF THE UNITED STATES

JOSHUA KELLIER- PETITIONER

VS.

WARDEN BRIAN MCAULIFFE- RESPONDENT(S)

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ACKNOWLEDGMENT OF DECLARATION OF SERVICE FOR  
APPLICATION FOR BAIL

I \_\_\_\_\_ Clerk of the Court/ Counsel of record for  
respondent in No. 25-7578, JOSHUA V. WARDEN BRIAN MCAULIFFE,  
in the Supreme Court of the United States, hereby acknowledge a  
reciept of the copy of the Application for Bail, and respective  
Declaration of Service.

Signature

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Cape Vincent Correctional Facility  
36560 State Route 12E, P.O. Box 599  
Cape Vincent, N.Y. 13618

