

No. _____
IN THE
SUPREME COURT OF THE UNITED STATES

JOSE BOSQUEZ, Petitioner
v.

STATE OF ARIZONA, Respondent

ON PETITION FOR A WRIT OF CERTIORARI
TO THE ARIZONA COURT OF APPEALS

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

Counsel for Applicant

Kerrie D. Zhivago
ZHIVAGO LAW PLLC
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Phoenix, Arizona 85016
(480) 612-3058

APPLICATION

TO THE HONORABLE ELENA KAGAN, ASSOCIATE JUSTICE OF THE SUPREME COURT OF THE UNITED STATES, AND CIRCUIT JUSTICE FOR THE UNITED STATES COURT OF APPEALS FOR THE NINTH CIRCUIT:


Pursuant to Rules 13.5 and 30, petitioner JOSE BOSQUEZ, respectfully asks the Court for a 60-day extension of time, to and including April 4, 2025, to file a petition for a writ of certiorari in this matter.

The Arizona Court of Appeals denied relief on February 6, 2024. (See App.A). The Arizona Supreme Court denied review on November 6, 2024 (App. B). This Court's jurisdiction is invoked under 28 U.S.C. sec. 1254(I). This application is being filed more than 10 days before the present due date as required by Supreme Court Rule 13.5.

Petitioner asks for a 60-day extension of time to file the petition for certiorari to accommodate the workload of his counsel who is managing several imminent deadlines in various Arizona courts. Among counsel's obligations are an opening brief in *State v. Souad Alfartousi*, 1 C-CR 24-0543 (due March 24, 2025), a substantive reply brief in *State v. Taron Lavelle Watkins*, 1 CA-CR 24-0286 (due in April, 2025), and petitions for post-conviction relief due in *State v. Kenneth Lane*, CR2023-158265-001 and *State v. Tori Swortcheck*, CR2022-130031-001.

For these reasons, Petitioner prays for a 60-day extension of time to file a petition for a writ of certiorari in this matter, to and including April 4, 2025.

Respectfully submitted: January 24, 2025.


_____/s/ Kerrie Droban Zhivago
Kerrie Droban Zhivago
Attorney of Record
ZHIVAGO LAW PLLC
1934 E. Camelback Rd., Ste. 120-482
Phoenix, Arizona 85003

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CERTIFICATE OF SERVICE

Pursuant to Supreme Court Rules 29.2, 3 and 29.5(b), I, Kerrie D. Zhivago, a member of the bar of this Court, certifies that on January 24, 2025, an original and two copies of the foregoing Application for an Extension of Time to File a Petition for a Writ of Certiorari was served U.S. priority mail for delivery within three calendar days, postage prepaid, to the following counsel:

Julie A. Done
Deputy County Attorney
Maricopa County Attorney's Office
225 West Madison Street, 4th Fl.
Phoenix, Arizona 85003

Alex Samuels
Assistant Attorney General
Arizona Attorney General's Office
2005 North Central Avenue
Phoenix, Arizona 85004

Counsel for Respondent

I further certify that a copy of the foregoing Application for an Extension of Time to File a Petition for a Writ of Certiorari was served by e-mail to the above listed counsel on January 24, 2025.

I further certify that all parties required to be served have been served.

January 24, 2025

/s/ Kerrie Droban Zhivago



APPENDIX A

NOTICE: NOT FOR OFFICIAL PUBLICATION.
UNDER ARIZONA RULE OF THE SUPREME COURT 111(c), THIS DECISION IS NOT PRECEDENTIAL
AND MAY BE CITED ONLY AS AUTHORIZED BY RULE.

IN THE
ARIZONA COURT OF APPEALS
DIVISION ONE

STATE OF ARIZONA, *Respondent*,

v.

JOSE LEWIS BOSQUEZ, *Petitioner*.

No. 1 CA-CR 22-0360 PRPC
FILED 2-6-2024

Petition for Review from the Superior Court in Maricopa County
No. CR2010-013094-001

The Honorable Roy C. Whitehead, Judge

REVIEW GRANTED; RELIEF DENIED

COUNSEL

Maricopa County Attorney's Office, Phoenix
By Julie A. Done, Kirsten Valenzuela
Counsel for Respondent

Zhivago Law, Phoenix
By Kerri M. Droban Zhivago
Counsel for Petitioner

STATE v. BOSQUEZ
Decision of the Court

MEMORANDUM DECISION

Presiding Judge Andrew M. Jacobs, Judge Jennifer M. Perkins, and Judge David D. Weinzweig delivered the following decision.

PER CURIAM:

¶1 Petitioner Jose Bosquez seeks review of the superior court's order denying his petition for post-conviction relief, filed pursuant to Arizona Rule of Criminal Procedure 32.1. This is Bosquez's third petition.

¶2 Absent an abuse of discretion or error of law, this court will not disturb a superior court's ruling on a petition for post-conviction relief. *State v. Gutierrez*, 229 Ariz. 573, 577, ¶ 19 (2012). It is the petitioner's burden to show that the superior court abused its discretion by denying the petition for post-conviction relief. *See State v. Poblete*, 227 Ariz. 537, 538, ¶ 1 (App. 2011) (petitioner has burden of establishing abuse of discretion on review).

¶3 We have reviewed the record in this matter, the superior court's order denying the petition for post-conviction relief, the petition for review, and response. We find the petitioner has not established an abuse of discretion.

¶4 We grant review but deny relief.



AMY M. WOOD • Clerk of the Court
FILED: AA

APPENDIX B



Supreme Court

STATE OF ARIZONA

ANN A. SCOTT TIMMER
Chief Justice

ARIZONA STATE COURTS BUILDING
1501 WEST WASHINGTON STREET, SUITE 402
PHOENIX, ARIZONA 85007
TELEPHONE: (602) 452-3396

TRACIE K. LINDEMAN
Clerk of the Court

November 8, 2024

RE: STATE OF ARIZONA v JOSE LEWIS BOSQUEZ

Arizona Supreme Court No. CR-24-0084-PR

Court of Appeals, Division One No. 1 CA-CR 22-0360 PRPC

Maricopa County Superior Court No. CR2010-013094-001

GREETINGS:

The following action was taken by the Supreme Court of the State of Arizona on November 6, 2024, in regard to the above-referenced cause:

ORDERED: Petition for Review = DENIED.

Justice Montgomery did not participate in the determination of this matter.

Tracie K. Lindeman, Clerk

TO:

Alice Jones

Julie A Done

Kirsten Valenzuela

Kerrie M Droban Zhivago

Amy M Wood

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