

UNITED STATES COURT OF APPEALS FOR THE SECOND CIRCUIT

Thurgood Marshall U.S. Courthouse 40 Foley Square, New York, NY 10007 Telephone: 212-857-8500

MOTION INFORMATION STATEMENT

Docket Number(s): 20-393

Caption [use short title]

Motion for: Extension of Time to Submit Amended Petition for Rehearing

James Lawrence

Set forth below precise, complete statement of relief sought:

7 days (see Attach) 1 page

v.

Alice USA

Amended

MOVING PARTY: James Lawrence

OPPOSING PARTY: Alice USA

- Plaintiff Defendant Appellant/Petitioner Appellee/Respondent

Kate Bolger @ dut.com

MOVING ATTORNEY: James Lawrence

OPPOSING ATTORNEY: Kate Bolger

Sancorgoman @ gmail.com 1655 Post Rd East Westport CT 06880

Davis Wrought Tremaine LLP 1251 Avenue of Americas New York NY 10020-1104 212 402 4068

Court- Judge/ Agency appealed from: Bridgeport Underhill

Please check appropriate boxes:

FOR EMERGENCY MOTIONS, MOTIONS FOR STAYS AND INJUNCTIONS PENDING APPEAL:

Has movant notified opposing counsel (required by Local Rule 27.1): Yes No (explain):

Has this request for relief been made below? Has this relief been previously sought in this court? Requested return date and explanation of emergency:

Opposing counsel's position on motion: Unopposed Opposed Don't Know

Does opposing counsel intend to file a response: Yes No Don't Know

Is oral argument on motion requested? Yes No (requests for oral argument will not necessarily be granted)

Has argument date of appeal been set? Yes No If yes, enter date:

Signature of Moving Attorney:

James Lawrence

Date: Feb 16, 2021

Service by: CM/ECF Other [Attach proof of service]

AMENDED MOTION FOR EXTENSION OF TIME

I thank the Court for GRANTING my Amended Petition for Rehearing which is due by Friday Feb. 19, 2021. I hereby ask for an additional **7 days until Feb. 26, 2021** to submit Amended Petition for Rehearing. **I have a very important document coming to me from the arresting officer that verifies my argument** which is part of the Amended Petition for Rehearing. The delay is in relation to the following issue of how the court compares Second Degree Breach of Peace with Third Degree Stalking:

Here is what the Appeal Court wrote in page 5 of their Decision:

¹ Compare Conn. Gen. Stat. § 53a-181e(a) (third-degree stalking) (“A person is guilty of stalking in the third degree when such person recklessly causes another person to reasonably (1) fear for his or her physical safety, or (2) suffer emotional distress. . . by wilfully and repeatedly following or lying in wait for such other person.”), with *id.* § 53a-181(a) (second-degree breach of peace) (“A person is guilty of breach of peace in the second degree when, with intent to cause inconvenience, annoyance or alarm, or recklessly creating a risk thereof, such person: Engages in . . . threatening behavior in a public place.”).

I QUESTION THIS

“... threatening behavior in a public place.”

CONNECTICUT **SECOND DEGREE BREACH OF PEACE:**

2005 Connecticut Code - Sec. 53a-181. Breach of the peace in the second degree: Class B misdemeanor.

Sec. 53a-181. Breach of the peace in the second degree: Class B misdemeanor. (a) A person is guilty of breach of the peace in the second degree when, with intent to cause inconvenience, annoyance or alarm, or recklessly creating a risk thereof, such person: (1) Engages in fighting or in violent, tumultuous or threatening behavior in a public place; or (2) assaults or strikes another; or (3) threatens to commit any crime against another person or such other person's property; or (4) publicly exhibits, distributes, posts up or advertises any offensive, indecent or abusive matter concerning any person; or (5) in a public place, uses abusive or obscene language or makes an obscene gesture; or **(6) creates a public and hazardous or physically offensive condition** by any act which such person is not licensed or privileged to do. For purposes of this section, "public place" means any area that is used or held out for use by the public whether owned or operated by public or private interests.

(b) Breach of the peace in the second degree is a class B misdemeanor.

I will be showing the arresting officer was writing the arrest warrant and describing the **one count of Second Degree Breach of Peace** in reference to the **#(6) part of the statute** in mind and NOT the #(1) part of the statute.

Thank you
James Lawrence
Feb. 16, 2021