

No. _____

IN THE SUPREME COURT OF THE UNITED STATES

CHRISTOPHER HENRIQUEZ, *Petitioner*,

v.

STATE OF CALIFORNIA, *Respondent*.

**ON PETITION FOR A WRIT OF CERTIORARI
TO THE SUPREME COURT OF CALIFORNIA**

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

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CHRISTOPHER HENRIQUEZ

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Supreme Court Rule 30.3

TO THE HONORABLE ANTHONY M. KENNEDY,
Associate Justice of the United States Supreme Court and
Circuit Justice for the United States Court of Appeals for the
Ninth Circuit:

Petitioner, Christopher Henriquez, by and through his counsel of record, Lynne S. Coffin, and pursuant to Supreme Court Rule 30.3, hereby files this application to extend by forty-five days the time within which to file a petition for writ of certiorari, currently due on or before May 15, 2018. The grounds for this application are more fully set forth below:

1. Petitioner seeks review of the judgment of the California Supreme Court, which was entered on December 7, 2017, affirming

petitioner's conviction and sentence of death. See *People v. Henriquez* (2017) 4 Cal.5th 1.

2. On December 22, 2017, petitioner timely filed a Petition for Rehearing. On February 14, 2018, the California Supreme Court denied rehearing without modifying its opinion. Copies of the California Supreme Court's opinion and its order denying rehearing are attached.

3. The jurisdiction of this Court is invoked under 28 U.S.C. § 1257. Pursuant to Supreme Court Rule 13.3, the time to petition for certiorari expires on May 15, 2018, and this application is being submitted more than ten days before that date.

4. This capital case presents a number of significant issues under the United States Constitution, including the following:

a. Where African-Americans have been severely underrepresented on jury venires in Contra Costa County from at least 1978, the failure of Contra Costa County to ensure the proportional representation of African-Americans in the master jury lists and jury venires has been the subject of extensive litigation in California courts since at least 1989, and a statistically significant disparity continued to exist when petitioner, a capitally-charged African-American defendant, was prosecuted and tried, does the County's persistent failure to take remedial steps in the face of this long-standing history of underrepresentation constitute systematic exclusion

sufficient to establish a denial of petitioner's right under the Sixth and Fourteenth Amendments of the United States Constitution to a jury drawn from a fair cross-section of the community.

b. Whether California's death penalty scheme, which permits the trier of fact to impose a sentence of death without finding the existence of aggravating factors and that aggravating circumstances outweigh mitigating circumstances beyond a reasonable doubt, violates the constitutional requirement that any fact, other than a prior conviction, that serves to increase the statutory maximum or minimum penalty for a crime must be found true beyond a reasonable doubt.

5. Although undersigned counsel has been working to draft the petition for writ of certiorari, family medical issues have prevented counsel from making significant progress in completing the petition. During the past several months, counsel has had to focus a significant amount of time and attention to caring for her brother, who is suffering prostate cancer, and her daughter, who has fallen ill with a serious blood disorder.

6. Counsel's brother's situation is finally starting to improve and she expects that he will soon require less of her attention. If this Court grants an additional forty-five days, until June 29, 2018, petitioner's counsel will have sufficient time to complete and file a properly presented petition for writ of certiorari with this Court.

7. Petitioner's counsel believes that the issues that will be presented in the petition for certiorari are not only important for petitioner but will meet the criteria for grant of certiorari by this Court. Counsel needs additional time in order to competently present the issues in the petition.

8. Because of these circumstances, and in order to protect petitioner's substantial rights, counsel requests an extension of time of 45 days to file a petition for writ of certiorari.

WHEREFORE, petitioner respectfully requests that this Court grant his application and enter an order extending the time for filing the petition for a writ of certiorari by forty-five days, that is, up to and including June 29, 2018.

Dated this 2nd day of May, 2018

Respectfully submitted,

/s/

LYNNE S. COFFIN
Attorney of Record for Petitioner
Christopher Henriquez

DECLARATION

I declare under penalty of perjury that the statements made in this application are true. Signed at Mill Valley, California, May 2, 2018.

/S/

LYNNE S. COFFIN