

No. _____

IN THE SUPREME COURT OF THE UNITED STATES

RUBEN PEREZ GOMEZ, *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**

Laura S. Kelly
4521 Campus Dr. #175
Irvine, CA 92612
E-mail: lkelly@lkellylaw.net
Telephone: (949) 737 2042

Attorney for Petitioner
RUBEN PEREZ GOMEZ

No. _____

IN THE SUPREME COURT OF THE UNITED STATES

RUBEN PEREZ GOMEZ, *Petitioner*,

v.

STATE OF CALIFORNIA, *Respondent*.

**PETITIONER'S APPLICATION TO EXTEND TIME
TO FILE A PETITION FOR A WRIT OF CERTIORARI**
Supreme Court Rule 30.3

TO THE HONORABLE ELENA KAGAN, Associate Justice of the
United States Supreme Court and Circuit Justice for the United
States Court of Appeals for the Ninth Circuit:

Petitioner, Ruben Perez Gomez, by and through his counsel
of record, Laura S. Kelly, and pursuant to Supreme Court Rule
30.3, hereby files this application to extend by thirty days the
time within which to file a petition for writ of certiorari, currently
due on or before May 14, 2019. 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 November 29, 2018, affirming petitioner's convictions and sentence of death. See *People v. Gomez*, 6 Cal.5th 243 (2018).

2. On December 13, 2018, petitioner timely filed a Petition for Rehearing. On February 13, 2019, 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 14, 2019, 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. whether California's death penalty scheme adequately narrows the class of persons eligible for the death penalty; and

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. This extension of time is sought because counsel for Petitioner has time commitments to other cases that have prevented completion of the certiorari petition for filing by May 14, 2019. In addition to Mr. Gomez, counsel currently represents eight other clients in appellate proceedings at various stages in the California courts, including three long-record multi-count sexual abuse cases and two homicide cases.

6. Petitioner's counsel believes that the issue that will be presented in the petition for certiorari will meet the criteria for grant of certiorari by this Court.

7. Because of these circumstances, and in order to protect Petitioner's substantial rights, counsel files this request

for an extension of time for filing the petition of writ of certiorari, and on behalf of Petitioner, requests an extension of time of 30 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 thirty days, that is, up to and including June 13, 2019.

Dated this 30th day of April, 2019

Respectfully submitted,



LAURA KELLY
Attorney of Record for Petitioner
Ruben Perez Gomez

DECLARATION

I declare under penalty of perjury that the statements made in this application are true. Signed at Irvine, California, on April 30, 2019.



LAURA KELLY