

No. \_\_\_\_\_

**IN THE SUPREME COURT OF THE UNITED STATES**

JUAN SANCHEZ, *Petitioner*

v.

STATE OF CALIFORNIA, *Respondent*.

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APPLICATION FOR EXTENSION OF TIME TO FILE  
PETITION FOR WRIT OF CERTIORARI  
TO THE SUPREME COURT OF THE STATE OF CALIFORNIA  
**(DEATH PENALTY CASE)**

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STATE OF CALIFORNIA

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No. \_\_\_\_\_

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IN THE SUPREME COURT OF THE UNITED STATES  
OCTOBER TERM, 2019

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JUAN SANCHEZ, Petitioner,  
v.  
STATE OF CALIFORNIA, Respondent.

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To the Honorable Elena Kagan, Associate Justice of the Supreme Court of the United States and Circuit Justice for the Ninth Circuit:

Petitioner, Juan Sanchez, requests a 60-day extension of time to and including December 21, 2019, to file his petition for a writ of certiorari in this Court. The jurisdiction of this Court is invoked under 28 U.S.C. § 1257(a).

On April 29, 2019, the Supreme Court of California issued its original opinion on petitioner's automatic appeal from a sentence of death. *People v. Sanchez*, 7 Cal.5th 14 (2019). A copy of the final opinion is attached as Appendix A. Petitioner filed a petition for rehearing, which was denied by order on July 24, 2019, attached as Appendix B. Thus, the time to petition for a writ of certiorari in this Court expires on October 22, 2019. This application for an extension of time of 60 days, to and including December 21, 2019, in which to file the petition is being filed more than 10 days before that date.

As reflected by the California Supreme Court's opinion, this capital case raises various federal constitutional issues. Relevant here is the state supreme court decision that petitioner was not denied his confrontation rights by the admission of the out-of-court statements of a child witness regarding the events of the crime, where the child did not remember the statements or the events that were the subject of his statements.

The underlying confrontation question, in varying contexts, has recently been raised in two pending certiorari petitions, *White v. Louisiana*, No. 18-8863 (2019), cert. pending, and *Tapia v. New York*, No. 19-159 (2019).

Petitioner has reviewed the petitions and other filings in both of these cases and believes that his case is sufficiently different to warrant separate consideration by this Court. An extension of time is justified in petitioner's case in part by the nature of the issue described above and because of time restraints due to petitioner's counsel's responsibilities in several other capital cases. The confrontation question to be raised in petitioner's case is substantial and warrants careful scrutiny and resolution. Preparation of the petition, moreover, requires exhaustive review of three separate trials, including the lengthy transcripts of the two prior trials at which the child witness was cross-examined regarding his prior statements, and which resulted in hung juries.

Furthermore, as noted above, petitioner's counsel is assigned to other capital appeals, and has had to devote a substantial amount of her time to meeting ongoing

responsibilities, including briefing deadlines, in those other cases, as well as her supervisory obligations, since the state supreme court's decision in this case became final.

Despite counsel's best efforts, she will be unable to meet the October 22, 2019, due date, and respectfully request an extension of 60 days, to and including December 21, 2019, in which to file the petition for writ of certiorari on petitioner's behalf.

Accordingly, petitioner respectfully requests that an order be entered extending his time to petition for a writ of certiorari by 60 days, to and including December 21, 2019.

Dated: October 7, 2019.

Respectfully submitted,

MARY K. McCOMB  
STATE PUBLIC DEFENDER  
FOR THE STATE OF CALIFORNIA

/s/ Robin Kallman  
ROBIN KALLMAN  
Supervising Deputy State Public Defender