

No. _____



IN THE
SUPREME COURT OF THE UNITED STATES



SOCORRO SUSAN CARO,
PETITIONER

V.

STATE OF CALIFORNIA,
RESPONDENT



APPLICATION FOR EXTENSION OF TIME TO FILE
PETITION FOR WRIT OF CERTIORARI TO THE
SUPREME COURT OF CALIFORNIA

CAPITAL CASE



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Counsel of Record for Petitioner
Socorro Susan Caro

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

Petitioner, Socorro Caro, respectfully requests that the time to file a Petition for Writ of Certiorari in this Court be extended for sixty-days to and including February 7, 2020. On September 11, 2019, the California Supreme Court entered an order modifying the opinion in Ms. Caro's automatic appeal from her death judgment and denying her timely filed petition for rehearing. Thus, Ms. Caro's petition for certiorari is currently due on or before December 10, 2019. This application for an extension of time is being filed more than ten days before that date. *See* Supreme Court Rules 13, 30.

Copies of the published opinion on appeal and the order modifying that opinion and denying petition for rehearing are attached to this application. The jurisdiction of this Court is invoked under 28 U.S.C. § 1257.

This appellate proceeding involves a death sentence imposed by the State of California. Ms. Caro's appeal raised a number of significant constitutional issues including: (1) whether the excusal of potential jurors via email outside the presence of the defendant violates the defendant's right to due process; and (2) whether California's death penalty scheme, which permits the trier of fact to impose a sentence of death without finding beyond

a reasonable doubt the existence of aggravating factors, that aggravating circumstances outweigh mitigating circumstances, and that the aggravating circumstances are so substantial that they warrant death instead of life, violates the constitutional requirement that any fact, other than a prior conviction, that serves to increase the statutory maximum for a crime must be found true beyond a reasonable doubt. *See People v. Caro*, 7 Cal.5th 463 (2019).

Since the California Supreme Court's denial of Ms. Caro's petition for rehearing on September 11, 2019, I have been researching issues, consulting with colleagues, and drafting the petition for certiorari. I recognize, however, that I will be unable to complete the research and drafting of the petition within the ninety-days provided by Rule 13.

I am both a sole practitioner and solo counsel for Ms. Caro. Although I have been working diligently, my available time has been impacted by the need to provide assistance for my 96-year-old mother-in-law who fell in early October. I have made multiple trips to the Philadelphia area since her fall to provide assistance during her recuperation. In addition, I have had to meet other work obligations that pre-dated the denial of the petition for rehearing in this case.

An extension of sixty-days to file the petition for certiorari in this case

should not cause any unnecessary delay. I have emailed with counsel for respondent, Deputy Attorney General Chung Mar, about this extension of time request. Mr. Mar stated that he had no opposition to this extension. In addition, Ms. Caro currently has a petition for writ of habeas corpus pending in the California Supreme Court, and there is currently a moratorium on executions in California while Governor Newsom is in office.

CONCLUSION

For the reasons set forth above, Ms. Caro respectfully asks this Court to extend the time to file a Petition for Writ of Certiorari for sixty-days to and including February 7, 2020.

Dated: November 18, 2019

Respectfully submitted,

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