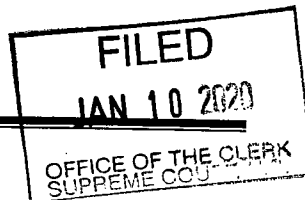


No. _____

19A791



OCTOBER TERM, 2019

IN THE SUPREME COURT OF THE UNITED STATES

Raymond Mata, Jr., Petitioner,

v.

State of Nebraska, Respondent.¹

On Petition for Writ of Certiorari to the
Nebraska Supreme Court

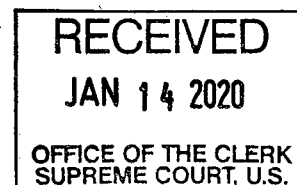
**PETITIONER'S APPLICATION TO EXTEND TIME TO FILE
PETITION FOR WRIT OF CERTIORARI**

CAPITAL CASE

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¹ James Smith, Solicitor General, is automatically substituted for Douglas J. Peterson, Attorney General for the State of Nebraska. FRCP 25(d).



No.

OCTOBER TERM, 2019

IN THE SUPREME COURT OF THE UNITED STATES

Raymond Mata, Jr., Petitioner,

v.

State of Nebraska, Respondent.

**Petitioner's Application to Extend Time to File Petition for Writ of
Certiorari**

To the Honorable Neil Gorsuch, as Circuit Justice for the United States Court of Appeals for the Eighth Circuit:

Petitioner Raymond Mata, Jr. respectfully requests that the time to file a Petition for Writ of Certiorari in this matter be extended for sixty days to and including March 24, 2020. The Nebraska Supreme Court issued its opinion affirming denial of Petitioner's motion for postconviction relief on October 25, 2019. Absent an extension of time, the Petition for Writ of Certiorari would be due on January 23, 2020. Petitioner is filing this application at least ten days before that date. *See* S. Ct. R. 13.5. This Court has jurisdiction under 28 U.S.C. § 1254(1).

REASONS FOR GRANTING THE EXTENSION

The time for filing a Petition for Writ of Certiorari should be extended for sixty days for the following reasons:

1. Counsel of record for Petitioner, Scott's Bluff County (NE) Public Defender Harry A. Moore was just sworn into his position on December 30, 2019 after the abrupt retirement of his predecessor. Because staff does not have experience in petitioning for a writ of certiorari, they were able to do little while the deadline continued approaching. Counsel of record Moore has devoted the majority of his time since December 30th working on the petition for certiorari, but cannot complete it in the time frame left.

2. If granted the extension of time to March 24, 2020, Mr. Moore will be able to complete and file Mr. Mata's Petition for Writ of Certiorari.

3. Mr. Mata's certiorari petition will raise substantial issues regarding the application of this Court's decision in *Hurst v. Florida*, 136 S. Ct. 616 (2016), that warrant the consideration of the Court. His argument has been found meritorious by at least one justice of this Court, *Woodward v. Alabama*, 571 U.S. 1045, 134 S. Ct. 405, 410 (2013) (Sotomayor, J., dissenting from the denial of certiorari); has resulted in divided decisions among the state courts; and is an issue currently being litigated by other Nebraska death row inmates.

4. Mr. Mata's certiorari petition will also raise substantial issues with regard to the citizens' referendum process of 2015-2016 which repealed a state statute attempting to repeal the death penalty. *See State v. Mata*, 304 Neb. 326 (2019), the

opinion that is the subject of the petition for certiorari. Petitioner believes the “off again on again” status of the death penalty in Nebraska is unique in the annals of this country.

5. Finally, Mr. Mata’s certiorari petition will raise substantial issues concerning the continuing validity of the Sixth Amendment ruling contained in this Court’s decision in *Clemons v. Mississippi*, 494 U.S. 738, 741, 745 (1990), in light of *Hurst*.

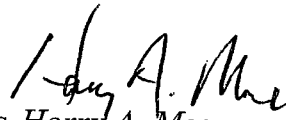
6. This Court has repeatedly noted that death is different: “[t]he taking of life is irrevocable. It is in capital cases especially that the balance of conflicting interests must be weighed most heavily in favor of the procedural safeguards of the Bill of Rights.” *Reid v. Covert*, 354 U.S. 1, 45-46 (1957) (on rehearing) (Frankfurter, J., concurring). *See also Gregg v. Georgia*, 428 U.S. 153, 188 (1976) (“the penalty of death is different in kind from any other punishment imposed under our system of criminal justice.”). Capital litigants should be given every reasonable opportunity to be heard by the courts.

7. No meaningful prejudice to Respondent would arise from the extension.

8. This request is not made solely for the purposes of delay or for any other improper purpose, but only to ensure that Mr. Mata receives an opportunity to seek this Court’s review of the constitutional claims that infect his death sentence.

DATED this 10th day of January, 2020.

Respectfully submitted,
RAYMOND MATA, JR.



/s Harry A. Moore

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