

IN THE
SUPREME COURT OF THE UNITED STATES

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No. _____

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SUPREME COURT, U.S.

JUAN ENRIQUEZ,
Petitioner,

v.

FELIPE GONZALEZ, Senior Warden,
Terrell Unit, Texas Department of
Criminal Justice,
Respondent.

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MOTION FOR EXTENSION OF TIME TO FILE PETITION FOR WRIT
OF CERTIORARI TO THE COURT OF CRIMINAL APPEALS OF TEXAS

TO THE HONORABLE JUSTICES OF SAID COURT:

Juan Enriquez, Petitioner, moves the Court for an extension of time from October 1, 2019, to October 31, 2019, to file a petition for writ of certiorari to the Court of Criminal Appeals of Texas in No. PD-1306-18 (Tex.Cr.App. 2019), wherein the Court of Criminal Appeals refused to grant a petition for discretionary review from the Fourth Court of Appeals for the Fourth District of Texas in Ex parte Juan Enriquez, No. 04-17-00356-CR (Tex.App. -- San Antonio 2018), wherein the Court affirmed the denial of habeas corpus relief in Ex parte Juan Enriquez, No. 3862-G (81st Dist. Ct. 2017), averring as grounds the following:

I. BRIEF HISTORY

On October 19, 1966, Petitioner was convicted of capital murder based on the assessment of the death penalty. On

February 14, 1968, the conviction was affirmed. Enriquez v. State, 429 S.W.2d 141 (Tex.Cr.App. 1968). The death penalty judgment was pronounced on July 19, 1968, and Petitioner was remanded to the Texas penitentiary for execution on September 17, 1968. Petitioner did not seek certiorari.

II. FURMAN DECISION

On June 29, 1972, this Court in Furman v. Georgia, 408 U.S. 238 (1972), held that the imposition and the carrying out of the death penalty violated the United States Constitution and declared unconstitutional Texas' system for imposing capital punishment. The Court vacated judgments insofar as the death penalty is left undisturbed.

On July 19, 1972, the Court of Criminal Appeals held that since the death penalty may not be imposed, the offense of capital felony as defined in Article 47, Texas Penal Code (1927), ceased to exist. In response to Furman, the governor of Texas commuted all then existing death penalties. This changed the verdict punishment from death to life on all the cases remanded by this Court after Furman on grant of certiorari. The Court of Criminal Appeals was able to affirm a non-death penalty judgment which the trial court pronounced on remand from the Court of Criminal Appeals. These defendants were all remanded to prison on life sentences assessed by the respective trial courts.

III. STATE PREVENTED APPLICATION OF FURMAN TO CASE AT BAR

The governor of Texas on August 31, 1972, purported to commute the verdict sentence of death assessed against Petitioner on October 19, 1966, but the commutation order had no affect on Petitioner's verdict sentence of death which remains undisturbed. Petition was never able to seek relief from detention because prison officials misled the district court, the Court of Appeals for the Fifth Circuit, and this Court that the held Petitioner on a conviction for first degree murder and a life sentence assessed by the trial court on July 19, 1968.

Finally, on July 27, 2016, the Court of Criminal Appeals recognized that Petitioner was not held under a first degree murder conviction but on a capital murder conviction on under a life sentence assessed by the trial court but on the commutation order issued August 31, 1972, and returned Petitioner's claim that he was illegally imprisoned to the district clerk to process the application under Article 11.08, Texas Code of Criminal Procedure, the pre-conviction habeas statute.

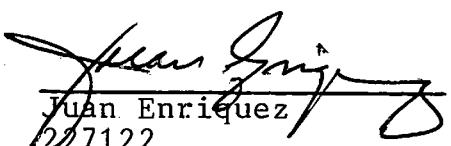
IV. REASONS WHY EXTRA TIME NEEDED

Petitioner was represented by Ray J. McQuayfin the underlying habeas proceedings. Unfortunately, Mr. McQuary died unexpectedly while preparing a motion for rehearing at the Court of Criminal Appeals. Petitioner had to continue pro se and without the record. He has not been able to get

the record and needs another 30 days to obtain it. In addition, this Court will not allow Petitioner to proceed in forma pauperis in filing a petition for discretionary review. He needs another 30 days to obtain the filing fee from friends.

WHEREFORE, PREMISES CONSIDERED, Petitioner request an extension of time to October 31, 2019, to file a paid petition for writ of certiorari.

Respectfully submitted,


Juan Enriquez
217122
TDCJ-Terrell
1300 FM 653
Rosharon, Texas 77583

Verification

I, Juan Enriquez, declare under penalty of perjury, that the statements in the above motion are true and correct and made on personal knowledge. Executed on on September 28, 2019.


Juan Enriquez

Certificate of Service
certify

I, Juan Enriquez,/that the above motion was served by placing same in the United States mail, postage prepaid, on September 28, 2019, addressed to Attorney General of Texas, P. O. Box 12548, Austin, Texas 78701. Executed on September 28, 2019.


Juan Enriquez

Mailbox Filing Verification

I, Juan Enriquez, declare under penalty of perjury, that the foregoing motion was filed on September 28, 2019, by placing same in the Institutional mail system, first class mail, postage prepaid, addressed to Clerk, United States Supreme Court, Washington, D. C. 20543. Executed on September 28, 2017.


Juan Enriquez