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November 23, 2021

VIA ELECTRONIC FILING SYSTEM

Hon. Scott S. Harris, Clerk
Supreme Court of the United States
Office of the Clerk
1 First Street, N.E.
Washington, D.C. 20543

**Re: *Ashley Mere Howard v. Texas*, No. 21-225;
Request for Extension of Time to File Brief in Opposition**

Dear Hon. Harris:

My Office, the Attorney General of Texas, represents the State of Texas in the above referenced appeal. On September 30, 2021, the Court asked the State to file a brief in opposition to Petitioner's petition for writ of certiorari—presently due to be filed on or before December 1, 2021. Pursuant to Rule 30.4, this is a request for a **30-day** extension of time, up to and including **Friday, December 31, 2021**, in which to file that brief.

An extension of time is needed because my Office was not involved in any of the state-court litigation below. Instead, the Harris County District Attorney represented the State. Consequently, my Office needs additional time to review the state court records related to Petitioner's challenged Texas conviction, which were not received until October 22, 2021, and continue drafting an appropriate response to the Questions Presented in the petition.

Furthermore, since receiving the records, the undersigned has been preparing for an upcoming hearing in state court and has filed or worked on responsive pleadings in two other federal habeas cases that were pending prior to receiving this case. *See Wallace v. State*, No. 09-19-00210-CR (Tex. App.—Beaumont) (remanded to the trial court to determine if a new trial is warranted due to a lost record); *Garcia v. Lumpkin*, No. 2:21-CV-225 (S.D. Tex.); *Cochran v. Lumpkin*, No. 3:21-CV-02098-G (N.D. Tex.). Additionally, the undersigned must submit the draft to a supervisor for review a week in advance of the deadline. The undersigned's supervisor currently has oral argument set for

December 8, 2021, in the Fifth Circuit, and is responsible for reviewing other appellate briefs and pleadings, including an upcoming brief in this Court. *See Bannister v. Lumpkin*, No. 17-10826 (5th Cir.); *Shockley v. Lumpkin*, No. 21-5426.

I contacted Randolph L. Schaffer, Jr., counsel of record for Ms. Howard, on November 22, 2021—and Mr. Schaffer indicated that he is **not** opposed to this requested extension. A copy of this letter will also be emailed to Mr. Schaffer.

Thank you for your consideration of this matter.

Sincerely,

s/ Craig W. Cosper
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