

CAPITAL CASE
21-

IN THE SUPREME COURT OF THE UNITED STATES

Richard Vasquez,
Applicant/Petitioner,

v.

Texas,
Respondent.

Application for an Extension of Time Within Which
to File a Petition for a Writ of Certiorari to the
Court of Criminal Appeals of Texas

APPLICATION TO THE HONORABLE JUSTICE
SAMUEL A. ALITO, JR. AS CIRCUIT JUSTICE

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APPLICATION FOR AN EXTENSION OF TIME JUDGMENT FOR WHICH REVIEW IS SOUGHT

The judgment for which review is sought is *Ex Parte Richard Vasquez*, No. WR-59,201-03 (attached as Exhibit 1). The Texas Court of Criminal Appeals denied Applicant's Writ of Habeas Corpus on August 25, 2021.

JURISDICTION

This Court will have jurisdiction over any timely filed petition for certiorari in this case pursuant to 28 U.S.C. § 1257. Under Rules 13.1, 13.3, and 30.1 of the Rules of this Court, a petition for a writ of certiorari is due to be filed on or before November 23, 2021. In accordance with Rule 13.5, this application is being filed more than 10 days in advance of the filing date for the petition for a writ of certiorari.

REASONS JUSTIFYING AN EXTENSION OF TIME

This is a complex capital case in which Richard Vasquez (the "Applicant") was convicted in 1999 of capital murder and sentenced to death. On April 14, 2015, the Applicant filed a subsequent petition for writ of habeas corpus (the "Petition") with the Texas Court of Criminal Appeals. The Petition sought relief under Article 11.073 of the Texas Code of Criminal Procedure based on new scientific evidence that was not available at the time of trial.¹ The Petition also sought relief based on allegations that the State obtained a conviction and sentence with evidence that is now known to be false, in violation of the Applicant's due process rights.

¹ Article 11.073 is sometimes referred to as the "Junk Science Statute."

On March 23, 2016, the Texas Court of Criminal Appeals remanded the matter to the trial court for a review on the merits. Following the development of an extensive record supporting the Applicant's claims of new science and false evidence, the trial court held an evidentiary hearing on June 3, 2019. At the hearing, the State did not oppose any evidence presented by the Applicant, and further informed the trial court that the State supported the Applicant's request for post-conviction relief.

Notwithstanding the extensive record and the State's support, the trial court recommended Applicant's Petition be denied, and on August 25, 2021, the Texas Court of Criminal Appeals accepted that recommendation and denied relief.

The decision by the Texas Court of Criminal Appeals to deny the Applicant's request for relief, despite the State's support and extensive record to the contrary, raises important constitutional and due process considerations that the Applicant intends to present to this Court. During the past two months, however, the undersigned counsel, Thomas Farrell and Charles Hampton, have been engaged in preparing for trial in several complex multi-million dollar commercial matters, and therefore have been unable to focus sufficient attention on the certiorari petition in order to meet the current deadline. Because the Applicant is indigent and incarcerated, counsel have also been handling this matter on a pro bono basis. Accordingly, in the interests of justice and to permit counsel sufficient time to prepare a well-reasoned petition for writ of certiorari


on a complex and extensive record, counsel respectfully seek a short extension as requested herein.

CONCLUSION

For the foregoing reasons, Applicant respectfully requests that this Court grant an extension of 60 days, up to and including January 24, 2022, within which to file a petition for a writ of certiorari in this case.

Date: November 11, 2021

Respectfully submitted,



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EXHIBIT 1