



TOM SELLECK
CRIMINAL DISTRICT ATTORNEY
BRAZORIA COUNTY

June 8, 2023

Mr. Scott M. Harris
Clerk of the Supreme Court
US Supreme Court Building
One 1st Street NE, Room 30
Washington, DC 20543-0002

Re: No. 22-1114, James Harris, Jr. v. Texas

Dear Mr. Harris:

Pursuant to U.S. Supreme Court Rule 30.4, Respondent, the State of Texas, respectfully asks for a 60-day extension of time to August 14, 2023, to file a brief in opposition to the petition for a writ of certiorari filed by James Harris, Jr. This is a capital case and a response is required.

Petitioner was convicted of capital murder and sentenced to death by the 149th District Court for Brazoria County, Texas, on December 11, 2013. The Texas Court of Criminal Appeals (TCCA) affirmed the conviction on March 9, 2016. Petitioner filed a post-conviction application for a writ of habeas corpus seeking a review of the trial court's judgment and sentence on December 16, 2013. The TCCA denied habeas relief on May 18, 2022. Petitioner filed his petition for a writ of certiorari with this Court on May 10, 2023. The case was docketed on May 15, 2023, and the Respondent's brief in opposition is due on June 14, 2023.

The issues raised in the petition concern (1) whether the TCCA properly applied this Court's holding in *Atkins v. Virginia*, 536 U.S. 304 (2002), to determine whether the Petitioner is intellectually disabled and cannot be executed, and (2) whether Petitioner's trial counsel was ineffective in the investigation of mitigating evidence concerning his alleged intellectual disability.

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The record for this proceeding is extensive and requires additional time for review. Respondent's attorneys have also been responsible for filing briefs in state appellate cases with due dates preceding the deadline for the Respondent's brief in opposition. Given the serious nature of the case and the issues involved, counsel for Respondent requests a 60-day extension to thoroughly brief the issues and examine the record.

On June 7, 2023, I contacted Michael Williams, counsel of record for Petitioner, by email to mwilliams@kirkland.com, who advised that he consents to the requested extension.

Sincerely,

Trey Picard

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