

No. _____

IN THE SUPREME COURT OF THE UNITED STATES

GABRIEL PAUL HALL,
Petitioner,
v.
STATE OF TEXAS,
Respondent.

**** CAPITAL CASE ****

On Petition for Writ of Certiorari
to the Texas Court of Criminal Appeals

**UNOPPOSED APPLICATION FOR 60-DAY EXTENSION
TO FILE PETITION FOR WRIT OF CERTIORARI**

Robert C. Owen
Counsel of Record
Illinois # 6318652
Law Office of Robert C. Owen, LLC
P.O. Box 607425
Chicago, Illinois 60660-7381
Phone (512) 577-8329
robowlaw@gmail.com

Raoul D. Schonemann
Texas # 00786233
Thea J. Posel
Texas # 24102369
Capital Punishment Clinic
University of Texas School of Law
727 East Dean Keeton Street
Austin, Texas 78705
Phone (512) 232-9391
rschonemann@law.utexas.edu
tposal@law.utexas.edu

Attorneys for Petitioner

To the Honorable Samuel A. Alito, Jr., Associate Justice of the Supreme Court of the United States, and Circuit Justice for the United States Court of Appeals for the Fifth Circuit:

Gabriel Paul Hall, an indigent Texas death-row inmate, respectfully applies, under Supreme Court Rule 13.5, for a 60-day extension to file his petition for writ of certiorari to the Texas Court of Criminal Appeals.

In support of his application, Mr. Hall states as follows:

1. Mr. Hall will be filing a petition for writ of certiorari challenging the judgment of the Texas Court of Criminal Appeals affirming his state capital conviction and death sentence on direct review. That court filed its judgment and opinion on December 8, 2021. *Gabriel Paul Hall v. State of Texas*, -- S.W.3d --, 2021 WL 5823345 (Tex. Crim. App. Dec. 8, 2021). *See* Appendix A. Mr. Hall timely filed a petition for rehearing, which was denied on March 30, 2022. *See* Appendix B.

2. Mr. Hall's petition for writ of certiorari is due to be filed in this Court by June 28, 2022. In compliance with Rule 13.5, this application for additional time is being filed at least 10 days before that date.

3. This is a capital case in which preparing the petition for certiorari demands particularly extensive work. The Texas Court of Criminal Appeals' 47-page opinion in Mr. Hall's direct appeal addresses 15 different points of error, some

of which involve substantial issues of constitutional law. Among the issues that may be presented in Mr. Hall's petition for certiorari are whether the Court of Criminal Appeals' conclusion that "an agreement to gather evidence" is necessary to establish agency for Sixth Amendment right-to-counsel purposes is consistent with this Court's jurisprudence as established by *Estelle v. Smith*, 451 U.S. 454 (1981), and its progeny, and whether the disposition of Mr. Hall's claim under *Batson v. Kentucky*, 476 U.S. 79 (1986), in which the Court of Criminal Appeals concluded that a *Batson* claimant must identify white jurors who present the exact same "confluence of ... reasons" cited by the striking party in justifying a peremptory strike against a minority juror, is consistent with this Court's *Batson* jurisprudence.

4. In addition, all of the undersigned counsel have conflicting obligations and commitments between now and the current due date.

5. Undersigned counsel Robert C. Owen, who has served as lead counsel in the case to date, will be unavailable from June 9-12 due to his role as faculty for a national CLE program, and will be out of the country from June 15 to July 7.

6. Undersigned counsel Raoul Schonemann and Thea Posel are clinical professors associated with the Capital Punishment Clinic at the University of Texas. In addition to their involvement in this case, they also represent Texas death-row inmate Ramiro Gonzales, who is scheduled to be executed on July 13. Mr. Schonemann and Ms. Posel are preparing a clemency application which will be filed

on Mr. Gonzales's behalf on or before June 21 and are also involved in ongoing litigation pending in federal district court related to Mr. Gonzales's request that his spiritual advisor be present during the scheduled execution. Mr. Schonemann and Ms. Posel anticipate that they will be required to devote essentially all of their time between now and the scheduled execution date to Mr. Gonzales's case.

7. Mr. Hall's counsel has communicated with Cara Hanna, Assistant Attorney General, and with Tomee M. Heining, Deputy Chief of the Criminal Appeals Division, of the Office of the Attorney General, which will be representing the State. The State does not oppose the requested extension.

8. Accordingly, for these reasons, Mr. Hall respectfully asks that the Court grant this application and extend for 60 days the time allowed to file his petition for writ of certiorari to the Texas Court of Criminal Appeals.

Respectfully submitted,



Robert C. Owen

Counsel of Record

Illinois # 6318652

Law Office of Robert C. Owen, LLC

P.O. Box 607425

Chicago, Illinois 60660-7381

Phone: (512) 577-8329

robowlaw@gmail.com

Raoul D. Schonemann

Texas # 00786233

Thea J. Posel

Texas # 24102369

Capital Punishment Clinic

University of Texas School of Law

727 East Dean Keeton Street

Austin, Texas 78705

Phone: (512) 232-9391

rschonemann@law.utexas.edu

tposal@law.utexas.edu