

NO. \_\_\_\_\_ (CAPITAL CASE)

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IN THE SUPREME COURT OF THE UNITED STATES

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DILLION GAGE COMPTON,

*Petitioner,*

vs.

TEXAS

*Respondent.*

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

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**APPLICATION FOR A 30-DAY EXTENSION OF TIME TO FILE A  
PETITION FOR A WRIT OF CERTIORARI TO THE COURT OF  
CRIMINAL APPEALS OF TEXAS**

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**APPLICATION FOR A 30-DAY EXTENSION OF TIME TO FILE A  
PETITION FOR A WRIT OF CERTIORARI TO THE COURT OF  
CRIMINAL APPEALS OF TEXAS**

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

1. This is a capital direct appeal proceeding. On April 12, 2023, the Court of Criminal Appeals of Texas (“TCCA”) affirmed Mr. Compton’s judgment convicting him of capital murder and imposing a death sentence (attached as Appendix 1).
2. Mr. Compton timely moved for rehearing on April 27, 2023. The TCCA denied Mr. Compton’s Motion for Rehearing on May 31, 2023 (attached as Appendix 2).
3. This Court has jurisdiction pursuant to 28 U.S.C. § 1257(a).
4. At present, Mr. Compton has until August 29, 2023 to file a petition for a writ of certiorari seeking review of the TCCA’s decision. *See* U.S.S.Ct.R. 13.3.
5. Under Rule 13.5 and Rule 30.3, this Court may extend the time for seeking certiorari for up to sixty (60) additional days. Your Honor should grant an extension of 30 days under the circumstances, up to and including September 28, 2023.
6. Counsel for the respondent does not oppose the requested extension of time.
7. The issues to be presented in Mr. Compton’s capital case are significant, including the right to equal protection and due process under the Fourteenth Amendment to the United States Constitution. *See Batson v. Kentucky*, 476 U.S. 79 (1986); *J. E. B. v. Alabama ex rel. T. B.*, 511 U.S. 127 (1994); *Buck v. Davis*, 137 S. Ct. 759 (2017).

8. Jennae Swiergula is the legal director a non-profit legal services corporation (Texas Defender Service (“TDS”)), which provides direct legal representation to several individuals convicted of capital murder and sentenced to death or convicted of other serious felony offenses. Ms. Swiergula both provides direct representation and supervises the work of the other attorneys on staff on all of TDS’s cases. Several of TDS’s cases, including cases on direct appeal, in state post-conviction, and in federal habeas, have been active over the last two months and have required a significant amount of Ms. Swiergula’s time. Consequently, additional time is needed to prepare the petition for writ of certiorari in Mr. Compton’s case.

### CONCLUSION

For the foregoing reasons, the application for extension of time should be granted, extending the time to file a petition for writ of certiorari for 30 days, until September 28, 2023.

Respectfully submitted,

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