

No. _____

IN THE SUPREME COURT OF THE UNITED STATES

BRANDON DE McCALL,
Petitioner,
v.
THE STATE OF TEXAS,
Respondent.

**** CAPITAL CASE ****

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

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

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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:

Brandon McCall, 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 (TCCA).

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

1. Mr. McCall intends to file a petition for writ of certiorari challenging the TCCA's judgment affirming his conviction and death sentence, entered on October 25, 2023. *Brandon De McCall v. The State of Texas*, No. AP-77,095, 2023 WL 7019159 (Tex. Crim. App. Oct. 25, 2023). *See* Appendix A.

2. Absent an extension, Mr. McCall's petition for writ of certiorari is due to be filed in this Court by January 23, 2024. In compliance with Rule 13.5, this application for additional time is being filed at least 10 days before that date.

3. Undersigned counsel's professional obligations in several other active cases required counsel to seek an extension of the current deadline. Undersigned counsel is appointed as counsel for the appellant in *William George Davis v. State of Texas*, No. AP-77,106. In that capital appeal, the appellant's opening brief must be filed in the Texas Court of Criminal Appeals by February 4, 2024. The appellate record in *Davis* consists of 157 volumes, totaling approximately 33,000 pages,

including the clerk's record and exhibits. Because the Court of Criminal Appeals has indicated that no further requests for extension of that deadline will be entertained, undersigned counsel must devote most of his time between now and the February 4 filing deadline completing that brief.

4. In addition, undersigned counsel has become the sole care-giver for his wife during the past year, which restricts, to some degree, the time available to devote to this matter and the brief that is due.

5. Accordingly, for these reasons, Mr. McCall 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,

/s/ Douglas H. Parks

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