

No. ____

In the Supreme Court of the United States

WILLIE JENKINS

Petitioner,

v.

STATE OF TEXAS

Respondent.

**UNOPPOSED APPLICATION TO EXTEND TIME TO FILE A PETITION FOR A
WRIT OF CERTIORARI FROM July 15, 2025 TO August 14, 2025**

To the Honorable Samuel A. Alito, Jr.:

Pursuant to 28 U.S.C. § 2101(c) and Supreme Court Rules 13.5, 22, and 30.3, petitioner Willie Jenkins respectfully requests that the time to file a petition for a writ of certiorari be extended 30 days from July 15, 2025, to and including August 14, 2025. On April 16, 2025 the Court of Criminal Appeals of Texas (TCCA) issued a per curiam order dismissing petitioner's application for a writ of habeas corpus. Add. A (Order), *infra*. Absent an extension, the petition would be due on July 15, 2026. This application is being filed at least 10 days before that date. *See* Sup. Ct. R. 13.5. The jurisdiction of this Court would be invoked under 28 U.S.C. § 1257 to review this case.

Background

1. Mr. Jenkins was sentenced to death on June 13, 2013 in the 274th District Court of Hays County, Texas. His conviction and death sentence stem from a 1975 cold case out of San Marcos, Texas. The State's theory of capital murder

was murder in the course of a sexual assault. The case was reopened when Texas's Department of Public Safety analyzed DNA evidence in the case and reported that Mr. Jenkins could not be excluded from it.

2. The Office of Capital and Forensic Writs (OCFW) was appointed to represent Mr. Jenkins in his initial state habeas proceedings on June 19, 2013. In his initial application for writ of habeas corpus relief, the OCFW raised several grounds for relief, including *inter alia*, numerous grounds that his conviction and death sentence were obtained through the State's reliance on false evidence and that his trial counsel rendered ineffective assistance of counsel.
3. As it relates to Mr. Jenkins's anticipated petition for writ of certiorari, the OCFW raised that the State presented false testimony when its witnesses testified that the pathologist who conducted the autopsy in 1975 was deceased (and thus unavailable to testify) and that he had concluded the victim in this case was sexually assaulted in the course of her murder. The OCFW found the supposedly deceased pathologist alive at his home in Virginia. The pathologist provided a post-conviction declaration attesting to the fact that he was, in fact, alive. and that he had not concluded the victim in this case was sexually assaulted, undermining the State's theory of capital murder.
4. The habeas court held an evidentiary hearing on several dates in 2021 on Mr. Jenkins's ineffective assistance of counsel claims. The habeas court denied Mr. Jenkins's requests for factual development on his false testimony claims.

On May 12, 2022, the habeas court entered findings of fact and conclusions of law, and recommended that the TCCA deny relief to Mr. Jenkins.

5. On May 14, 2024, while his initial application was still pending in the TCCA, Mr. Jenkins filed a subsequent application for writ of habeas corpus. There, he argued new developments in the interpretation of DNA in his case rendered one of the key pieces of evidence uninterpretable and raised an innocence claim.
6. On April 16, 2025, in a single, unpublished, per curiam order, the Court of Criminal Appeals denied relief to Mr. Jenkins on his initial application for writ of habeas corpus and dismissed his subsequent application for writ of habeas corpus. Add. A (Order).

Reasons for Granting an Extension of Time

The time to file a petition for a writ of certiorari should be extended for 30 days for at least two reasons:

1. The press of other matters makes the existing deadline on July 15, 2025, difficult to meet. Petitioner is represented by counsel from the OCFW, the Texas state agency that serves as the capital post-conviction public defender for the state. OCFW represents approximately 70% percent of initial capital post-conviction petitioners in Texas courts. Over the last month, counsel representing Mr. Jenkins were heavily involved in the representation of other clients in preparing for an evidentiary hearing and filing an initial capital petition. In particular, lead counsel for Mr. Jenkins,

Sarah Brandon, was lead counsel for the initial capital habeas application that the office filed on behalf of another client on June 23, 2025. In addition, Ms. Brandon is lead counsel for a different client whose initial capital post-conviction case is scheduled for a week-long hearing that begins on July 17, 2023—two days after the current deadline for filing the petition for writ of certiorari in Mr. Jenkins’s case. The additional time requested will assist counsel in preparing a concise and well-researched petition that will be of maximum benefit to this Court.

2. Whether or not the extension is granted, the petition will be considered during next Term—and, if the petition were granted, it would be argued in the next Term. The extension is thus unlikely to substantially delay the resolution of this case or prejudice any party. Indeed, the State has consented to the relief sought herein.

Conclusion

For the foregoing reasons, the time to file a petition for a writ of certiorari in this matter should be extended for 30 days to and including August 14, 2025.

Respectfully submitted,

July 2, 2025

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