

No. 23-5597

IN THE
Supreme Court of the United States

RODOLFO MEDRANO,

Petitioner,

v.

STATE OF TEXAS,

RESPONDENT.

ON PETITION FOR A WRIT OF CERTIORARI TO THE
TEXAS COURT OF CRIMINAL APPEALS

SUPPLEMENTAL REPLY BRIEF FOR THE PETITIONER

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On January 22, 2024, this Court granted certiorari in *Glossip v. Oklahoma*, No. 22-7466, directing the parties to brief, in addition to the issues their petitions presented, the following question: “Whether the Oklahoma Court of Criminal Appeals’ holding that the Oklahoma Post-Conviction Procedure Act precluded postconviction relief is an adequate and independent state-law ground for the judgment.” As permitted by Supreme Court Rule 15.8, Petitioner Rodolfo Medrano files this Supplemental Brief to call attention to the relevance of this grant of certiorari, an “intervening matter not available at the time of the party’s last filing.”

Medrano’s Reply to Respondent’s Brief in Opposition was filed on January 20, 2024, two days before this Court’s grant of certiorari in *Glossip*. Medrano’s petition presented two questions, one focused on the merits of his Fifth Amendment claim and one asking this Court to determine whether the Texas Court of Criminal Appeals’ purported application of a procedural bar was adequate, given that the plain language of the governing statute commands authorization of his claim for resolution on the merits. *Glossip*, like Medrano, asserts that the purported procedural bar deployed by the state court was neither foreseeable nor supportable. Reply In Support Of Petition For Writ Of Certiorari at 12; Brief For Respondent In Support of Petition for Writ of Certiorari at 22-23.

For the reasons stated in Medrano’s Petition for Certiorari and in his Reply to the Brief in Opposition, this Court should grant certiorari. In the alternative, this

Court should hold this case for the disposition of *Glossip v. Oklahoma*, which is likely to yield a decision that will directly bear upon the proper resolution of the second question raised in Medrano's petition.

Respectfully submitted,

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