

DOCKET NO.: _____

IN THE SUPREME COURT
OF THE UNITED STATES OF AMERICA

Jerry Laza,
Petitioner,

v.

City of Palestine, Texas,
Respondents

ON PETITION FOR WRIT OF CERTIORARI TO THE UNITED STATES COURT
OF APPEALS FOR THE TEXAS SUPREME COURT

PETITIONER'S APPLICATION FOR EXTENSION OF TIME TO FILE
PETITION FOR WRIT OF CERTIORARI

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PETITIONER'S APPLICATION FOR EXTENSION OF TIME TO FILE A
PETITION FOR WRIT OF CERTIORARI.

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

Petitioner, Jerry Laza, respectfully applies to this Court for an extension of
time to file his writ of certiorari to review the judgment of the Texas Supreme
Court. This application for an extension of time is made pursuant to Rules 13.5, 22,
30.2, and 30.3 of the Rules of this Court and 28 USC 2101(c). Petitioner requests a
60-day extension of time to file his Petition for Review, up to and including
November 13, 2023. This Application is made more than 10 days before September
14, 2023, the deadline to file a petition for certiorari.

Following the refusal to docket the quasi-criminal case in the Texas Court of
Criminal Appeals, Petitioner filed a petition for review with the Texas Supreme
Court. See *Jerry Laza v. City of Palestine, Texas*, No. 22-1098. The Texas Supreme
Court denied Laza's petition on March 31, 2023. Following a timely motion for
rehearing, the Texas Supreme Court denied that request on June 16, 2023. The
deadline to petition this Court for relief is September 14, 2023. 28 USC §2101(c);
Sup. Ct. R. 13.5.

This case arises out of repeated failed criminal prosecutions by the City of
Palestine, Texas against Petitioner. Ultimately, Palestine began a civil penalties
case against Petitioner seeking substantial fines, penalties, and condemnation of
Petitioner's properties in a Texas district Court. See *Jerry Laza v. City of Palestine*,

No. 06-18-00051-CV (Tex. App. —Texarkana Aug. 18, 2022) (mem. Op.). (Page 5-6). Following the loss of the Clerks Record and Reporters Record due to a ransomware attack on the Texas Judiciary, the intermediate Texas Appellate Court ordered the Trial Court to recreate the record. See *Jerry Laza v. City of Palestine*, No. 06-18-00051-CV (Tex. App. —Texarkana Aug. 18, 2022) (mem. Op.). (Page 31-32). This effort resulted in numerous irregularities, inconsistencies, and the creation of a record that was not before the original trial court.

Once the Trial Court created a record that suited the Appellate Court, the Intermediate Appellate Court changed the nature of the case from a civil case, into a criminal or quasi-criminal proceedings. See *Jerry Laza v. City of Palestine*, No. 06-18-00051-CV (Tex. App. —Texarkana Aug. 18, 2022) (mem. Op.). (Page 20- 21). However, the Intermediate Appellate Court failed to address any constitutional issues incumbent in that newly created criminal prosecution. (Double Jeopardy, structural error, reasonable doubt, or any other basic constitutional protections.). Ultimately the Intermediate Appellate Court affirmed the judgment of the trial court, though determined the underlying proceeding was at least penal in nature, rather than civil as the case was tried. *Id* at 21.

After attempting a rehearing on the Intermediate Appellate Court's quasi-criminal rulings, Petitioner requested discretionary review with the Texas Court of Criminal Appeals. The co-equal high court in Texas refused to docket or accept any pleadings despite the Intermediate Court's reliance on the criminal nature of the case. Following that denial, Petitioner then sought a petition for review with the

Texas Supreme Court. The Petition and rehearing were denied by the Texas Supreme Court on March 31 and June 16, 2023, respectively.

Reasons for Granting an Extension of Time

Petitioner intends to address two issues in his petition for review, related to structural error in the civil trial followed by the conversion of the matter into a penal appeal and attendant matters, additionally Petitioner will address inherent issues in the intermediate appellate court fabricating accusations against appellate counsel and getting upset over direct quotations from the laws and cases of the high courts in Texas. However, the reason for the extension is Petitioner's undersigned counsel's house caught fire within the last two weeks. Counsel suffers from severe depression and severe attention deficit disorder. In the loss of his residence, he has lost (among other items) his support animal (a Beagle named Seb), his computer, and all of his medication. While temporary housing has been procured, his insurance and pharmacy refuse to replace any of these necessary prescriptions until the fire investigation report has been complete. To compound matters, these prescriptions are delayed on national backorder.

<https://fortune.com/well/2023/06/20/adderall-alternative-vyvanse-adhddrug-shortages/>. Counsel's prescriptions were delayed until approximately 10 days prior to the fire loss waiting to refill the prescriptions, only to have them destroyed shortly after having those drugs filled. While undersigned counsel has managed to replace the laptop, the return to normal has gone extremely slow and the difficulty surrounding the replacement prescriptions is difficult to return to work until that

matter is sorted. Counsel cannot adequately prepare the petition prior to September 14, 2023 under these extraordinary conditions. Thus, Petitioner and his undersigned Counsel request an additional 60-days, or until November 13, 2023, to prepare and file the Petition for Certiorari.

CONCLUSION

Petitioner prays that this Court will grant a 60-day extension to file his Petition for Certiorari in light of these extra ordinary conditions that were outside the undersigned's control.

Respectfully submitted,

/s/ Nicholas D. Mosser

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Certificate of Service

I, Nicholas D. Mosser, certify that today, August 23, 2023, a copy of Petitioner's Application for an Extension of time to file a Petition for Certiorari was served upon Counsel for Respondent via e-mail.

/s/ Nicholas D. Mosser

Nicholas D. Mosser