

NO. _____ (CAPITAL CASE)

IN THE SUPREME COURT OF THE UNITED STATES

GUSTAVO TIJERINA SANDOVAL,

Petitioner,

vs.

TEXAS

Respondent.

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

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

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

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 December 7, 2022, the Court of Criminal Appeals of Texas (“TCCA”) affirmed Gustavo Tijerina Sandoval’s conviction and sentence (attached as Appendix A).
2. Mr. Tijerina Sandoval timely moved for rehearing on January 23, 2023. The TCCA denied Mr. Tijerina Sandoval’s Motion for Rehearing on May 17, 2023 (attached as Appendix B).
3. This Court has jurisdiction pursuant to 28 U.S.C. § 1257(a).
4. At present, Mr. Tijerina Sandoval has until August 15, 2023, to file a petition for a writ of certiorari seeking review of the TCCA’s decision. *See* U.S.S.Ct.R. 13.1, 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 thirty (30) days under the circumstances, up to and including September 14, 2023.
6. Counsel for the respondent does not oppose the requested extension of time.
7. The issues to be presented in Mr. Tijerina Sandoval’s capital case are significant, including the right to be present at one’s trial under the Fifth and Sixth Amendments to the United States Constitution.

8. Jennae Swiergula is the legal director of 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. Tijerina Sandoval’s case.

CONCLUSION

For the foregoing reasons, the application for extension of time should be granted, extending Ms. Swiergula’s time to file a petition for writ of certiorari for thirty (30) days, until September 14, 2023.

Respectfully submitted,

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