

NO. \_\_\_\_\_ (CAPITAL CASE)

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IN THE SUPREME COURT OF THE UNITED STATES

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HECTOR ACOSTA,

*Petitioner,*

vs.

TEXAS

*Respondent.*

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

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

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

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 June 5, 2024, the Court of Criminal Appeals of Texas (“TCCA”) affirmed Mr. Acosta’s judgment convicting him of capital murder and imposing a death sentence (attached as Exhibit 1).
2. This Court has jurisdiction pursuant to 28 U.S.C. § 1257(a).
3. At present, Mr. Acosta has until September 3, 2024, 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.
4. 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 30 days under the circumstances, up to and including October 3, 2024.
5. Counsel for the respondent does not oppose the requested extension of time.
6. The issues to be presented in Mr. Acosta’s capital case are significant, including the right to equal protection under the Fourteenth Amendment to the United States Constitution. *See Buck v. Davis*, 580 U.S. 100 (2017); *Pena-Rodriguez v. Colorado*, 580 U.S. 206 (2017).
7. Jennae Swiergula is Senior Counsel for 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. At TDS, Ms. Swiergula both provides direct

representation and supervises the work of the other attorneys on her cases. Separately, she also works as a consultant for the Texas Habeas and Training Project. Several of her cases, including capital cases in state post-conviction and end-stage proceedings, have been active in recent 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. Acosta's case.

### CONCLUSION

For the foregoing reasons, the application for extension of time should be granted, extending the time to file a petition for writ of certiorari for 30 days, until October 3, 2024.

Respectfully submitted,

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