

No. \_\_\_\_\_

**IN THE  
SUPREME COURT OF THE UNITED STATES**

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**DEMOND DEPREE BLUNTSON,  
Petitioner  
v.  
THE STATE OF TEXAS,  
Respondent**

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

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**UNOPPOSED APPLICATION FOR 60-DAY EXTENSION  
TO FILE PETITION FOR WRIT OF CERTIORARI**

**\*\* CAPITAL CASE \*\***

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To the Honorable Samuel A. Alito, Jr., Associate Justice of the Supreme Court of the United States, and Circuit Justice for the United States Court of Appeals for the Fifth Circuit:

Demond Depree Bluntson, an indigent Texas death-row inmate, respectfully applies, under Supreme Court Rule 13.5, for a 60-day extension to file his petition for writ of certiorari to the Texas Court of Criminal Appeals (TCCA).

In support of his application, Mr. Bluntson states as follows:

1. Mr. Bluntson intends to file a petition for writ of certiorari under 28 U.S.C. § 1257 (a) challenging the TCCA's judgment affirming his convictions on two counts of capital murder on direct review, entered on May 7, 2025. *Bluntson v. State*, No. AP-77,067, 2025 Tex. Crim. App. LEXIS 297 (Tex. Crim. App. May 7, 2025) (designated for publication). *See* Appendix A.

2. Rehearing was denied without opinion on July 30, 2025. *In re Bluntson*, No. AP-77,067, 2025 Tex. Crim. App. LEXIS 514 (Tex. Crim. App. July 30, 2025). *See* Appendix B.

3. Absent an extension, Mr. Bluntson's petition for writ of certiorari is due to be filed in this Court by October 28, 2025. In compliance with Rule 13.5, this application for additional time is being filed at least 10 days before that date.

4. Mr. Bluntson's case is at an unusually complex procedural juncture: Mr.

Bluntson was convicted on two counts of Capital Murder, resulting in sentences of death and, in the same proceeding, convicted on two counts of Aggravated Assault against a Public Servant, resulting in sentences of fifty years and a \$10,000 fine on each count. The undersigned was appointed to represent Mr. Bluntson for the purpose of direct review proceedings.

5. Under Texas law, the appeal of convictions on which the death penalty is imposed is automatic and made directly to the Texas Court of Criminal Appeals. *Bluntson v. State, supra*; TEX. CODE. CRIM. PROC. Art. 37.071 (h). However, convictions for non-capital offenses are appealed initially to an intermediate court of appeal, only later becoming potentially subject to discretionary review in the Court of Criminal Appeals. TEX. CONST. Art. V, § 5 (b); TEX. CODE. CRIM. PROC. Arts. 44.02 & 44.45.

6. Here, the appeal of the convictions for Aggravated Assault has proceeded in the Fifth Court of Appeals at Dallas, Texas, as *Bluntson v. State*, Case No. 05-18-00360-CR. *Bluntson v. State, supra* n. 8. Additional briefing from the parties was requested by that court in an Order of August 8, 2025.

7. The appeal in the Fifth Court of Appeals raises the same question Mr. Bluntson intends to bring before this Court on certiorari, namely whether the Court of Criminal Appeals' decision upholding the trial court's denial of Mr. Bluntson's

request to represent himself because he allegedly lacked the mental capacity to do so under *Indiana v. Edwards*, 554 U.S. 164, 174-78 (2008) violated the Sixth Amendment and the Due Process Clause of the Fourteenth Amendment to the United States Constitution when the trial court found only that Mr. Bluntson had “issues” and lacked the “extremely high standard” of legal skill it claimed was necessary for self-representation, given the gravity and complexity of the case.

8. In addition to these two separate appeals, a post-conviction application for writ of habeas corpus has been filed pursuant to TEX. CODE CRIM. PROC. Art. 11.071. Mr. Bluntson is represented in those proceedings by the Office of Capital and Forensic Writs. That writ application was filed in 2020 and is still pending in the trial court, the 49th Judicial District Court of Webb County, Texas.

9. Furthermore, the trial court has already appointed new defense counsel, the Regional Public Defender Office for Capital Cases, to prepare for re-sentencing proceedings on the two Capital Murder convictions in that court that are the subject of this Petition for Writ of Certiorari.<sup>1</sup> A status hearing was held in the trial court on

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<sup>1</sup>Although there are still state proceedings to be had in the trial court pursuant to the TCCA’s remand, this case is still properly before this Court on certiorari. As explained in *Brady v. Maryland*, 373 U.S. 83, 85 n.1(1963), the general rule that a final judgment in a criminal case requires that a sentence have been imposed is inapplicable where there is a “serious and unsettled question,” *Cohen v. Beneficial Loan Corp.*, 337 U.S. 541, 547 (1949) that “is fundamental to the further conduct of the case.” *United States v. General Motors Corp.*, 323 U.S. 373, 377 (1945). Such a

September 24, 2025, and a further hearing is scheduled for December 10, 2025.

10. Thus, pre-resentencing procedures have already begun on the capital charges in the trial court and discussions between the parties to see if a resolution to all of Mr. Bluntson's charges can be agreed have now commenced. The Webb County District Attorney, representing the State of Texas – Respondent for the purpose of this Petition for Writ of Certiorari proceeding – has similarly recently filed a motion to abate the appellate proceedings in the Fifth Court of Appeals while those discussions are taking place, and has informed the undersigned that it has no opposition to the granting of the extension requested here. The negotiations between the parties could efficiently conclude all of the multiple proceedings currently underway in different courts with little need for further litigation.

11. It is respectfully suggested that it would be in the interest of justice and of judicial efficiency to grant an extension of time in order to see if a resolution can be reached which would potentially obviate the need for a Petition for Writ of Certiorari to be filed.

12. Additionally, undersigned counsel, who has now represented Mr.

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question is “independent of, and unaffected by,” *Radio Station WOW v. Johnson*, 326 U.S. 120, 126 (1945) what may transpire in a trial at which petitioner can receive only a life imprisonment or death sentence. It cannot be mooted by such a proceeding where a petitioner may be entitled to a new trial on the issue of guilt as well as punishment.

Bluntson for nine years, is on the verge of retiring because of multiple health problems including a long-standing lung disorder. In early September she suffered a bout of pneumonia – her second this year – from which she has still not fully recovered. Additional time is further sought in order to allow for that recovery to take place so that she may produce a Petition for Writ of Certiorari that comports with proper professional standards.

13. As already stated, the Respondent State of Texas has informed the undersigned that it has no opposition to the granting of an extension as requested here.

14. Accordingly, for these reasons, Mr. Bluntson respectfully asks that the Court grant this application and extend for 60 days the time allowed to file his petition for writ of certiorari to the Texas Court of Criminal Appeals, making that petition due on Monday December 29, 2025.

Respectfully submitted,



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