

No. _____

IN THE
Supreme Court of the United States

WILLIAM GEORGE DAVIS,

Petitioner,

v.

STATE OF TEXAS,

Respondent.

**** CAPITAL CASE ****

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

**APPLICATION FOR 30-DAY EXTENSION
TO FILE PETITION FOR WRIT OF CERTIORARI**

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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:

William George Davis, an indigent Texas death-row inmate, respectfully applies, pursuant to Supreme Court Rules 13(3) and 13.5, for a 30-day extension of time, to and including October 23, 2026, to file his petition for writ of certiorari to the Texas Court of Criminal Appeals.

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

1. Mr. Davis intends to file a petition for writ of certiorari challenging the Texas Court of Criminal Appeals' judgment affirming his conviction and death sentence on direct review, which was entered on March 12, 2026. *Davis v. State*, No. AP-77,106, -- S.W.3d --, 2026 WL 692433 (Tex. Crim. App. Mar. 12, 2026). *See* Appendix A.

2. On April 13, 2026, Mr. Davis filed a timely motion for rehearing, which was denied by the Texas Court of Criminal Appeals on June 25, 2026. Thus, pursuant to Rule 13(3), Mr. Davis's petition for certiorari is due to be filed in this Court by September 23, 2026.

3. In compliance with Rule 13.5, this application for additional time is being filed at least 10 days before that date.

4. This is a capital case in which preparing the petition for certiorari demands particularly extensive work. The Texas Court of Criminal Appeals' 52-page opinion in Mr. Davis's direct appeal addresses 13 different points of error, some of which involve substantial issues of constitutional law.

5. Among the substantial issues that may be presented in Mr. Davis's petition for certiorari is whether the Court of Criminal Appeals' erred in concluding that, in a case in which the defendant was charged with causing the death of four different persons at four different points in time—and capital murder was defined as intentionally or knowingly causing the death of “more than one person”—the jury was only required to unanimously agree about whether the defendant was guilty of the “predicate offense” (i.e., the murder of the first-named victim in the indictment) but did not have to unanimously agree about which of the other three-named victims' deaths he caused as long as they unanimously agreed that he caused at least one of them. On appeal, Mr. Davis argued that the trial court's jury instruction permitting the jury to convict him of the murder of more than one person without requiring the jury to be unanimous about which specific deaths he caused violated the unanimity

requirement of the Sixth Amendment. The Court of Criminal Appeals rejected that argument, reasoning that the murder of a second specific person was not an element of the offense of capital murder subject to the unanimity requirement and that the additional murders alleged in the indictment were merely “different capital murder theories” of committing the offense of capital murder. Appendix A at 9,12–15. Appellant maintains that the Court of Criminal Appeals’ decision is contrary to this Court’s decisions in *Schad v. Arizona*, 501 U.S. 624, 633 (1991),¹ *Richardson v. United States*, 526 U.S. 813 (1999),² and *Ring v. Arizona*, 536 U.S. 584 (2002), among others.³

¹ See *Schad*, 501 U.S. at 633 (plurality opinion) (“Just as the requisite specificity of the charge may not be compromised by the joining of separate offenses, nothing in our history suggests that the Due Process Clause would permit a State to convict anyone under a charge of “Crime” so generic that any combination of jury findings of embezzlement, reckless driving, murder, burglary, tax evasion, or littering, for example, would suffice for conviction.”); *id.* at 651 (Scalia, J., concurring) (“We would not permit, for example, an indictment charging that the defendant assaulted either X on Tuesday or Y on Wednesday, despite the moral equivalence of those two acts”).

² See *Richardson*, 526 U.S. at 815 (holding that the jury must “agree unanimously about which specific violations” make up the “continuing series of violations” to be convicted under the “continuing criminal enterprise” statute).

³ See *Ring*, 536 U.S. 602 (“If a State makes an increase in a defendant’s authorized punishment contingent on the finding of a fact, that fact—no matter how the State labels it—must be found by a jury beyond a reasonable doubt.”).

6. The press of other matters in the past three months makes the existing deadline of September 23, 2026, difficult to meet. In addition to their involvement in this case, undersigned counsel Raoul Schonemann and Thea Posel represent Texas death-row inmate Facundo Chavez, whose conviction and death sentence were affirmed by the Texas Court of Criminal Appeals ten days ago. *Chavez v. State*, No. AP-77,117, -- S.W.3d --, 2026 WL 2435378 (Tex. Crim. App. Aug. 20, 2026). Accordingly, a motion for rehearing must be filed in the Court of Criminal Appeals on or before September 9, 2026.

7. In addition, Ms. Posel is appointed appellate counsel in *Satterfield v. State*, No. AP-71,111 (Tex. Crim. App.), a capital appeal in which Appellant's opening brief is currently due on or before September 7, 2026. Ms. Posel was appointed as appellate counsel a little over four months ago, on April 28, 2026, and the appellate record in the case is extraordinarily voluminous, totaling in excess of 20,000 pages. A motion for extension of time to file the brief is pending before the Texas Court of Criminal Appeals but has not been ruled upon at the time of this filing.

8. Mr. Schonemann is counsel of record in *Ex parte Highfill*, No. D-1-DC-98-983143-A (390th Dist. Ct., Travis Co., Tex.) a postconviction

writ of habeas corpus proceeding in a case in which the applicant was convicted of capital murder and sentenced to life imprisonment. Evidentiary proceedings have consumed a substantial portion of Mr. Schonemann's time over the past three months. Closing arguments on the writ application are scheduled to be conducted before the presiding trial court judge on September 9, 2026.

9. Due to the demands of these competing obligations and deadlines, Mr. Davis respectfully requests a 30-day extension to file his petition for writ of certiorari.

Accordingly, for the foregoing reasons, Mr. Davis respectfully requests that the Court grant this application and extend the time to file a petition for certiorari for 30 days, to and including October 23, 2026.

Respectfully submitted,

/r/ Raoul Schonemann

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