No. _____

In the Supreme Court of the United States

WILLIAM KEITH SPEER,

Petitioner,

v.

STATE OF TEXAS,

Respondent.

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

UNOPPOSED APPLICATION FOR EXTENSION OF TIME TO FILE PETITION FOR CERTIORARI

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UNOPPOSED APPLICATION FOR AN EXTENSION OF TIME TO PETITION FOR A WRIT OF CERTIORARI

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

1. William Keith Speer is a death-sentenced inmate in Texas who sought state postconviction relief. Speer is represented by the Office of the Federal Public Defender for the Western District of Texas, Capital Habeas Unit (CHU), in Austin, Texas. The United States District Court for the Western District of Texas has appointed the CHU to represent Speer pursuant to 18 U.S.C. § 3599. Undersigned counsel is an attorney with the CHU and a member of this Court's Bar.

2. On August 20, 2026, the Texas Court of Criminal Appeals (TCCA) issued an opinion denying on the merits Speer's claim that trial counsel were ineffective in the investigation and presentation of mitigation evidence during the punishment phase of Speer's trial in violation of the Sixth Amendment. *See* Exhibit A, *Ex Parte William Keith Speer*, No. WR-59,101-06, 2026 WL 2468535 (Tex. Crim. App. Aug. 20, 2026) (set for publication). Two judges dissented from the decision to deny relief. *Id.*

3. This Court has jurisdiction over the case under 28 U.S.C. § 1257.

4. Speer's petition for certiorari is due November 18, 2026. *See* Sup. Ct. R. 13.1.

5. Counsel have begun the process of researching and preparing a petition for writ of certiorari. Given their obligations in other capital cases, however, counsel requests additional time.

6. Pursuant to Rule 13.5 and Rule 30.3, Speer requests an extension of 30 days, up to and including December 18, 2026, in which to file his petition for writ of certiorari. Speer makes this request 19 days before the due date.

7. Speer's counsel has contacted counsel for the Respondent, who has stated that the Respondent is not opposed to the requested extension of time.

8. An extension is necessary because the Sixth Amendment issue Speer will present in this capital post-conviction case are complex and significant. *See Wiggins v. Smith*, 539 U.S. 510 (2003); *Rompilla v. Beard*, 545 U.S. 374 (2005). The procedural history of the case speaks to the significance of Speer's claim. On the eve of his October 26, 2023, execution date, the TCCA stayed Speer's

execution to consider his postconviction application, which raised this ineffectiveness claim. After deliberating on the petition for over a year, the TCCA—in an unprecedented application of Texas law—authorized the ineffectiveness claim for merits review, finding that Speer "alleged sufficient specific facts . . . to make a prima facie showing that no rational juror would have answered" the mitigation special issue in a manner requiring a death sentence. *Ex parte Speer*, No. WR-59,101-06, 2025 WL 2151382, at *1 (Tex. Crim. App. July 30, 2025) (set for publication) (remanding claim for merits review under Tex. Code Crim. Proc. art. 11.071, § 5(a)(3)). The TCCA also "determined that further factual development is warranted." *Id.*

9. "On remand, the convicting court declined to hold an evidentiary hearing, presumed the truth of Applicant's mitigation proffer, found deficient performance, and recommended denying relief for want of prejudice." *Speer*, 2026 WL 2468535, at *1 (Ex. A). The TCCA adopted the factual findings of the district court and concluded that "[Speer] has not shown a reasonable probability that at least one juror would have answered the mitigation special issue

in favor of life." *Id.* The Court reasoned that Speer failed to show prejudice because "[t]he same trauma-driven susceptibility to domination by others that allegedly mitigates Applicant's culpability also supports the State's case on future dangerousness." *Id.*

10. The case thus squarely presents important questions about whether the TCCA has contravened this Court's case law in concluding that Speer had not demonstrated prejudice. *See Sears v. Upton*, 561 U.S. 945, 956 (2010).

11. Moreover, counsel have obligations in other capital habeas cases which necessitate an extension of time:

    a. Counsel are preparing petitions for writs of certiorari in two additional cases, *Ex Parte Gonzales*, No. WR-40,541-07 (Tex. Crim. App.), and *Ex Parte Lucio*, No. WR-72,702-05 (Tex. Crim. App.)—respectively due November 18, 2026 (application for extension of time of 30 days sought contemporaneous to this application), and December 23, 2026.

    b. Counsel are assisting with the representation of Reinaldo Dennes, who is scheduled for execution on November 19,

2026. *State of Texas v. Dennes*, No. 750,313 (263rd Judicial District, Harris County, Texas).

c. Counsel are preparing a reply to Respondent's lengthy answer in the federal habeas case of *Broxton v. Guerrero*, No. 4:11-CV-00315 (S.D. Tex.) (answer filed October 21, 2026; reply due December 21, 2026).

d. Counsel are developing complex innocence-related and forensic evidence in three other matters in which the parties have set a strict timeline to file postconviction applications, *Allen v. Guerrero,* No. 4:10-mc-00202 (S.D. Tex.), *Gobert v. Guerrero*, No. 1:15-CV-042 (W.D. Tex.), and *Raby v. Guerrero*, 4:02-CV-00349 (S.D. Tex.).

CONCLUSION

For these reasons, Speer respectfully requests that the time to file a petition for writ of certiorari be extended 30 days, up to and including December 18, 2026.

Respectfully submitted, this 30th day of October 2026,

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PROOF OF SERVICE

I, Donna Coltharp, counsel of record for Petitioner William Keith Speer, certify that on October 30, 2026, I have served a copy of this application for extension of time to the following counsel for Respondent, via Federal Express overnight delivery and by email:

Jon English
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All parties have been served.

/s/ Donna Coltharp
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