

No. _____

IN THE

Supreme Court of the United States

RAMIRO FELIX GONZALES,
Petitioner,

v.

STATE OF TEXAS,
Respondent.

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

**APPLICATION FOR STAY OF EXECUTION
PENDING FINAL DISPOSITION OF
PETITION FOR WRIT OF CERTIORARI**

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CAPITAL CASE
SCHEDULED EXECUTION: WEDNESDAY, JUNE 26, 2024

Petitioner Ramiro Felix Gonzales respectfully requests that the Court stay his scheduled execution pending final disposition of his Petition for Writ of Certiorari. In support of this request, Petitioner sets forth the following:

1. Petitioner Gonzales is a condemned Texas prisoner confined at the Polunsky Unit of the Texas Department of Criminal Justice. The State of Texas has scheduled his execution for June 26, 2024. *See* Exhibit A (order setting execution date).

2. Petitioner has filed, simultaneously with this stay application, a Petition for Writ of Certiorari presenting the following questions:

When a state conditions a capital defendant's eligibility to be sentenced to death on a jury's determination of "future dangerousness," can the state refuse to recognize challenges to the accuracy of the jury's determination as cognizable grounds for post-conviction review?

Does it violate the protections of the Eighth and Fourteenth Amendments to the United States Constitution to execute an individual who does not meet the eligibility criteria for a sentence of death under state law?

3. A stay of execution is warranted where there is (1) a reasonable probability that four members of the Court would consider the underlying issue(s) sufficiently meritorious for the grant of certiorari; (2) a significant possibility of reversal of the lower court's decision; and (3) a likelihood that irreparable harm will result if no stay is granted. *Barefoot v. Estelle*, 463 U.S. 880, 895 (1983). Petitioner satisfies these criteria.

4. For the reasons set forth in the Petition for Writ of Certiorari, a reasonable probability exists that four Members of this Court would consider the

underlying issues sufficiently meritorious for the grant of certiorari and would reverse the decision of the Texas Court of Criminal Appeals.

5. In addition, irreparable harm will ensue absent a stay. Absent a stay, Petitioner will be executed despite a strong likelihood that he has been denied the protection of the Eighth and Fourteenth Amendments.

6. Accordingly, the equities strongly favor Petitioner.

CONCLUSION

For the foregoing reasons, Petitioner Ramiro Felix Gonzales respectfully asks that the Court stay his execution pending final disposition of his Petition.

Respectfully submitted,

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EXHIBIT A

Order Setting Execution Date

determined and supervised by the said Director of the Correctional Institutions Division of the Texas Department of Criminal Justice.

It is ORDERED that the Clerk of this Court shall issue a death warrant, in accordance with this sentence, to the Director of the Correctional Institutions Division of the Texas Department of Criminal Justice, and shall deliver such warrant to the Sheriff of Medina County, Texas to be delivered by him to the Director of the Correctional Institutions Division of the Texas Department of Criminal Justice together with the defendant, RAMIRO GONZALES, if not previously delivered.

The Defendant, RAMIRO GONZALES, is hereby remanded to the custody of the Sheriff of Medina County, Texas, to await transfer to Huntsville, Texas, if not previously delivered, and the execution of this sentence of death.

DONE AND ENTERED this 16th day of February, 2024.



Stephen Ables
Presiding Judge
454th District Court
Medina County, Texas

WARRANT OF EXECUTION

THE STATE OF TEXAS

NO. 04-02-9091-CR

IN THE 454TH DISTRICT COURT

VS.

OF

RAMIRO FELIX GONZALES

MEDINA COUNTY, TEXAS

TO THE DIRECTOR OF THE CORRECTIONAL INSTITUTIONS DIVISION OF THE TEXAS DEPARTMENT OF CRIMINAL JUSTICE AND TO THE SHERIFF OF MEDINA COUNTY, TEXAS:

On the 25th day of August 2006, the above-named defendant, in the above-styled and numbered cause, was convicted of the offense of capital murder. On the 6th day of September 2006, the Court sentenced the above-named defendant to death in accordance with the findings of the jury, pursuant to the Texas Code of Criminal Procedure.

The Court, having received the Court of Criminal Appeals's mandate affirming the above-named defendant's conviction for capital murder and having received notice of the Court of Criminal Appeals's denial of the defendant's initial application for writ of habeas corpus, sentenced the above-named defendant to death for the offense of capital murder and ORDERS that the execution be had on the 26th day of June 2024, at any time after the hour of 6:00 p.m. at the Correctional Institutions Division of the Texas Department of Criminal Justice at Huntsville, Texas.

The Sheriff of Medina County, Texas, is hereby commanded to transport the defendant to the Correctional Institutions Division of the Texas Department of Criminal Justice and deliver the defendant, if not previously delivered, and this warrant to the Director of the Correctional Institutions Division of the Texas Department of Criminal Justice for the purpose of executing this warrant, and to take from the Director the proper receipt for the defendant, if not previously delivered, and the sheriff will return the receipt to the office of the District Clerk of Medina County, Texas.

The Director of the Correctional Institutions Division of the Texas Department of Criminal Justice is hereby commanded to receive from the Sheriff the defendant, if not previously delivered, and this warrant, and to give his receipt to the Sheriff, and to safely keep the defendant and to execute the sentence of death at any time after the hour of 6:00 p.m. on the 26th day of June 2024, by causing a substance or substances in a lethal quantity to be intravenously injected into the body of the defendant sufficient to cause death, and the injection of the substance or substances into the body of the defendant to continue until the defendant is deceased, obeying all laws of the State of Texas with reference to such execution.

Herein fail not, and due return make hereof in accordance with the law.

Witness my signature and seal of office on this ____ day of _____, 2024.

CINDY FOWLER
MEDINA COUNTY DISTRICT CLERK

NO. 04-02-9091-CR STYLE: THE STATE OF TEXAS VS. RAMIRO FELIX GONZALES

SHERIFF'S RETURN

The Sheriff of Medina County, Texas, received this writ on the _____ day of _____, 2024, and executed the same by delivering the within-named defendant, if not previously delivered, in person and this warrant to the Director of the Correctional Institutions Division of the Texas Department of Criminal Justice on the _____ day of _____, 2024, and by taking his receipts for the said defendant, if not previously delivered, and this warrant, now make my return to the Clerk of the 454th District Court of Medina County, Texas, on this _____ day of _____, 2024.

RANDY BROWN
SHERIFF OF MEDINA COUNTY, TEXAS

BY: _____
DEPUTY

On this the _____ day of _____, 2024, the following papers related to cause number 04-02-9091-CR, styled THE STATE OF TEXAS v. RAMIRO FELIX GONZALES, were received from the Sheriff of Medina County, Texas.

1. One original of DEATH WARRANT to be delivered to the Director of the Correctional Institutions Division of the Texas Department of Criminal Justice.
2. One certified Execution Order.

SIGNATURE OF TDCJ OFFICIAL