

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

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IN THE  
**Supreme Court of the United States**

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*In re*  
RAMIRO FELIX GONZALES,  
*Petitioner*

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**APPLICATION FOR STAY OF EXECUTION  
PENDING FINAL DISPOSITION OF  
PETITION FOR ORIGINAL WRIT OF HABEAS CORPUS**

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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 Habeas Corpus.

In support of this request, Petitioner Gonzales sets forth the following:

1. Petitioner 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, an original Petition for Habeas Corpus. The Petition seeks this Court’s exercise of its original habeas jurisdiction to entertain the claim that Petitioner is ineligible for execution because he can demonstrate that the jury’s “prediction” of future dangerousness—a condition of death-eligibility under Texas law—is invalid.

3. As set out in detail in the Petition, Mr. Gonzales presents a uniquely compelling basis for this Court’s exercise of its original habeas jurisdiction under Supreme Court Rule 20.4(a). The evidence he seeks to present establishes that his demonstrated character over the two decades he has spent in prison—not only his nonviolent institutional record, but his universal reputation for good character, rehabilitated nature, exemplary leadership, and the changed opinion regarding his character by the State’s “future dangerousness” expert, Dr. Gripon, himself, establish that Petitioner *no longer* meets the eligibility criteria under Texas law.

4. For the reasons set forth in the Petition, this Court’s original habeas jurisdiction is Petitioner’s only avenue to prevent his unconstitutional execution. The

state courts have steadfastly refused to recognize challenges to the validity of a jury's "prediction" of "future dangerousness" at trial as a cognizable ground for post-conviction review. Federal habeas review is barred pursuant to 28 U.S.C. § 2244(b)(2).<sup>1</sup>

5. Finally, a reasonable probability exists that at least 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. 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 favor Petitioner.

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<sup>1</sup> Moreover, Texas's clemency procedures are unavailable as an alternative path for relief; the Board of Pardons and Paroles denied Petitioner's application for executive clemency earlier today.

## CONCLUSION

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

Respectfully submitted,

/s/ Raoul D. Schonemann

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