

IN THE
SUPREME COURT OF THE UNITED STATES

MARTIN GONZALES,
PETITIONER,

v.

STATE OF NEW MEXICO, AND
HECTOR RIOS, WARDEN,
RESPONDENT.

ON PETITION FOR WRIT OF CERTIORARI
TO THE STATE OF NEW MEXICO SUPREME COURT

APPLICATION FOR AN EXTENSION OF TIME TO FILE
PETITION FOR WRIT OF CERTIORARI

MARTIN GONZALES
PETITIONER, PRO SE
DEER COUNTY PRISON FACILITY
10 MCGREGOR RANGE Rd
CHAPARRAL, NEW MEXICO 88681

JURISDICTION

MAR. GONZALES INVOKES RULE 10(C) OF THE RULES OF THE SUPREME COURT OF THE UNITED STATES. PETITIONER SEEKS REVIEW OF "A STATE COURT" WHOSE DECISION CONFLICTS WITH RELEVANT DECISIONS OF THIS COURT. THE SUPREME COURT OF THE STATE OF NEW MEXICO ISSUED ITS ORDER ON JULY 12, 2024. WHEREIN THE STATE SUPREME COURT WROTE, IT IS ORDERED THAT THE PETITION IS DENIED AS TO ALL ISSUES, EXCEPT ISSUE 5, AS PRESENTED IN THE [STATE] PETITION[.] ISSUE 5 WAS REMANDED TO THE STATE DISTRICT COURT FOR FURTHER PROCEEDINGS. SEE EX. A.

REASON FOR GRANTING EXTENTION

WHEREFORE, PETITIONER BELIEVES THAT HIS PETITION FOR WRIT OF CERTIORARI IS DUE IN THIS COURT ON OR BEFORE OCTOBER 10, 2024. PETITIONER HAS REACHED OUT TO THE STATE DISTRICT ATTORNEY ATTEMPTING TO RESOLVE ISSUE 5 OF THE STATE HABEAS PETITION IN A EXPEDITED MANNER. PETITIONER WISHES TO AVOID A PIECE-MEAL PETITION FOR WRIT OF CERTIORARI IN THIS COURT. JUDICIAL RESOURCES WOULD NOT BE UTILIZED IN THE MOST EFFECTIVE AND EFFICIENT MANNER IF PETITIONER WERE UNABLE TO SEEK REVIEW OF THE TOTALITY OF THE ISSUES RAISED IN HIS STATE HABEAS PETITION.

SHOULD THIS COURT GRANT A 60-DAY EXTENSION FOR
FILING THE PETITION FOR WRIT OF CERTIORARI UNDER
U.S.S.C. RULE 13(5), MR. GONZALES' PETITION FOR A
WRIT OF CERTIORARI WOULD BE DUE IN THIS COURT
NO LATER THAN DECEMBER 9, 2024.

RESPECTFULLY SUBMITTED,

Martin Gonzales

MARTIN GONZALES

PETITIONER, PRO SE

OTERO COUNTY PRISON FACILITY

10 Mc GREGOR RANGE RD

CHAPARRAL, NM 88081

CERTIFICATE OF MAILING

I, MARTIN GONZALES, CERTIFY THAT ON 20 SEPTEMBER, 2024 THAT A COPY OF THE AFORE APPLICATION FOR AN EXTENTION OF TIME TO FILE PETITION FOR WRIT OF CERTIORARI WAS MAILED PRIORITY MAIL VIA U.S.P.S. TO UNITED STATES SUPREME COURT, CLERK OF THE COURT AT 1 FIRST STREET, N.E. WASHINGTON, D.C. 20543, AS WELL AS RAUL TORREZ, ATTORNEY GENERAL FOR THE STATE OF NEW MEXICO BY FIRST CLASS POSTAGE PRE-PAID AT 408 GALISTEL ST, SANTA FE, NM 87501.



MARTIN GONZALES

PETITIONER, PRO SE

10 MCGREGOR PLATON RD

CHAPARRAL, NM 88081

1 double jeopardy, *see State v. Trujillo*, 2012-NMCA-112, 289 P.3d 238; and

2 IT IS FURTHER ORDERED that if the district court finds any of the
3 aforementioned kidnapping convictions were based on incidental restraint, the
4 district court shall vacate those convictions that violate double jeopardy as required
5 by *State v. Schoonmaker*, 2008-NMSC-010, ¶ 50, 143 N.M. 373, 176 P.3d 1105, and
6 *State v. Sisneros*, 2013-NMSC-049, ¶ 38, 314 P.3d 665.

7 IT IS SO ORDERED.



WITNESS, the Honorable David K. Thomson, Chief Justice of the Supreme Court of the State of New Mexico, and the seal of said Court this 12th day of July, 2024.

Elizabeth A. Garcia, Clerk of Court
Supreme Court of New Mexico

By _____

A handwritten signature in cursive script that reads "Kristin R. Edwards".

Deputy Clerk

I CERTIFY AND ATTEST:

A true copy was served on all parties or their counsel of record on date filed.

Kristin R. Edwards

Deputy Clerk of the Supreme Court
of the State of New Mexico

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