

Corrected March 15, 2016

**IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT**

No. 14-70040

MAX ALEXANDER SOFFAR,

Petitioner - Appellant

v.

WILLIAM STEPHENS, DIRECTOR, TEXAS DEPARTMENT OF CRIMINAL
JUSTICE, CORRECTIONAL INSTITUTIONS DIVISION,

Respondent - Appellee

Appeal from the United States District Court
for the Southern District of Texas, Houston Division

Before DENNIS, SOUTHWICK, and HAYNES, Circuit Judges.

BY THE COURT:

The court grants the petitioner a Certificate of Appealability (COA) on the following three claims: (1) the state trial court's exclusion of the petitioner's news-media evidence violated his constitutional right to present a complete defense; (2) trial counsel were constitutionally ineffective in failing to interview, and present the testimony of, Patrick Pye regarding a potential, unknown third-party perpetrator; and (3) the petitioner's final police statement was involuntary. Counsel for the petitioner is invited to file a brief on these three claims within three (3) weeks of notification, and counsel for the

No. 14-70040

respondent is invited to file a response within one (1) week of receipt of the petitioner's brief. However, we note that the parties' briefs regarding the petitioner's motion for a COA include substantial discussion of these issues. The parties therefore need not brief any issue they believe has already been adequately briefed. In light of the petitioner's reported health issues, continuances on this briefing schedule will only be granted for exceptional circumstances.

The court denies a COA on the remaining two claims: (1) trial counsel were constitutionally ineffective in failing to consult an expert on false confessions; and (2) police interrogators violated the petitioner's right to counsel.

IT IS SO ORDERED.