

COURT OF APPEALS OF THE FIFTH DISTRICT OF TEXAS AT DALLAS

Brandon Keith Skillman v. State

Skillman v. State · No. 05-16-01143-CR; 05-16-01153-CR; 05-16-01154-CR; 05-16-01155-CR; 05-16-01156-CR · Decided February 13, 2017

SUMMARY

The Fifth District Court of Appeals of Texas granted Brandon Keith Skillman's second motion to extend the deadline for filing his appellant's brief. The court ordered the brief filed by March 13, 2017, and warned that failure to meet the deadline would result in abatement for trial-court findings under Texas Rule of Appellate Procedure 38.8(b)(2).

CASE DETAILS

COURT	Court of Appeals of the Fifth District of Texas at Dallas
WRITING FOR THE COURT	Ada Brown
JURISDICTION	Texas
DECIDED	February 13, 2017
DOCKET	05-16-01143-CR; 05-16-01153-CR; 05-16-01154-CR; 05-16-01155-CR; 05-16-01156-CR
DISPOSITION	other
PROCEDURAL POSTURE	Appellant filed a second motion to extend the time to file his appellate brief in five criminal appeals.
PRECEDENTIAL VALUE	published
PARTIES	Brandon Keith Skillman v. The State of Texas

TOPICS

appellate procedure

criminal procedure

PRACTICE AREAS

criminal appellate procedure

QUESTIONS PRESENTED

1. Whether to grant appellant's second motion to extend the deadline for filing his appellate brief.
2. What action should follow if appellant fails to file the brief by the extended deadline.

HOLDINGS

1. The court granted appellant's second motion to extend the deadline and ordered that his brief be filed on or before March 13, 2017.
2. If appellant's brief was not filed by March 13, 2017, the appeal would be abated for the trial court to make findings in accordance with Texas Rule of Appellate Procedure 38.8(b)(2).

KEY QUOTATIONS

“If appellant’s brief is not filed by March 13, 2017, this appeal will be abated for the trial court to make findings in accordance with rule of appellate procedure 38.8 (b)(2).” (Order)

FACTUAL BACKGROUND

The opinion does not describe the underlying criminal offenses or trial facts. It concerns only appellant's request for additional time to file appellate briefs in five pending criminal appeals.

PROCEDURAL HISTORY

The appeals were taken from the 380th Judicial District Court of Collin County, Texas, in five trial-court causes. On February 9, 2017, appellant moved a second time for an extension of time to file his brief. The court granted the motion and ordered the brief filed by March 13, 2017, subject to conditional abatement if the brief was not timely filed.

DISPOSITION

other

REMAND INSTRUCTIONS

No immediate remand was ordered. If appellant's brief was not filed by March 13, 2017, the appeal was to be abated for the trial court to make findings under Texas Rule of Appellate Procedure 38.8(b)(2).

OPINION

PER CURIAM.

Order entered February 13, 2017 In The Court of Appeals Fifth District of Texas at Dallas No. 05-16-01143-CR No. 05-16-01153-CR No. 05-16-01154-CR No. 05-16-01155-CR No. 05-16-01156-CR BRANDON KEITH SKILLMAN, Appellant V. THE STATE OF TEXAS, Appellee On Appeal from the 380th Judicial District Court Collin County, Texas Trial Court Cause Nos. 380-81221-2001, 380-80792-2002, 380-80793-2002, 380-80794-2002 & 380-82037-2002 ORDER Before the Court is appellant’s February 9, 2017 second motion to extend time to file appellant’s brief.

We GRANT appellant’s motion and ORDER appellant’s brief filed on or before MARCH 13, 2017. If appellant’s brief is not filed by March 13, 2017, this appeal will be abated for the trial

court to make findings in accordance with rule of appellate procedure 38.8 (b)(2). See TEX. R. APP. P. 38.8(b)(2). /s/ ADA BROWN JUSTICE

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