

COURT OF APPEALS OF TEXAS, FIFTH DISTRICT AT DALLAS

Joe Angel Rodriguez v. the State of Texas

Rodriguez · No. 05-22-00488-CR · Decided February 16, 2023

SUMMARY

The Fifth District Court of Appeals of Texas granted the appellant’s fifth motion for an extension of time to file an appellate brief. The court ordered the brief filed by March 1, 2023, stated that further extensions would not be permitted, and warned that failure to comply could result in abatement for a hearing regarding counsel’s continued appointment.

CASE DETAILS

COURT	Court of Appeals of Texas, Fifth District at Dallas
WRITING FOR THE COURT	Erin A. Nowell
JURISDICTION	Texas
DECIDED	February 16, 2023
DOCKET	05-22-00488-CR
DISPOSITION	other
PROCEDURAL POSTURE	Appellant sought a fifth extension of time to file his appellate brief.
PRECEDENTIAL VALUE	unknown
PARTIES	Joe Angel Rodriguez v. The State of Texas

TOPICS

- appellate procedure
- criminal procedure

PRACTICE AREAS

- criminal appellate procedure
- criminal procedure

QUESTIONS PRESENTED

1. Whether to grant appellant's fifth motion for an extension of time to file his appellate brief.

FACTUAL BACKGROUND

Appellant's brief was originally due November 15, 2022. His counsel requested multiple extensions, citing illnesses, professional scheduling conflicts, and ballet rehearsal and performance periods. The fourth and fifth

motions sought 15-day extensions, while earlier extensions had been for 30 days.

PROCEDURAL HISTORY

The appeal was pending from the 380th Judicial District Court of Collin County, Texas. Appellant's brief was originally due November 15, 2022, and the Court had granted prior extensions. The Court granted the fifth motion for a 15-day extension, ordered the brief filed by March 1, 2023, and stated that no further extensions would be permitted.

DISPOSITION

other

REMAND INSTRUCTIONS

If appellant's brief is not filed by March 1, 2023, the Court will abate the case for the trial court to conduct a hearing to determine why the brief was not filed and whether counsel should be removed and new counsel appointed.

OPINION

PER CURIAM.

Order entered February 16, 2023 In The Court of Appeals Fifth District of Texas at Dallas No. 05-22-00488-CR JOE ANGEL RODRIGUEZ, Appellant V. THE STATE OF TEXAS, Appellee On Appeal from the 380th Judicial District Court Collin County, Texas Trial Court Cause No. 380-80945-2022 ORDER Appellant's fifth motion for extension of time to file appellant's brief is before the Court.

Appellant's brief was originally due November 15, 2022. The motions detail appellant's counsel's illnesses, professional schedule, and even ballet rehearsal and performance periods. The Court observes that the fourth motion for extension and this motion were both requests for 15 days while the previous extensions were for 30 days.

The Court GRANTS the motion and ORDERS the brief filed on or before MARCH 1, 2023. Further extensions will not be permitted. If the brief is not filed by March 1, 2023, the Court will abate the case for the trial court to conduct a hearing and determine why appellant's brief has not been filed and whether counsel should be removed and new counsel appointed for appellant. /s/ ERIN A. NOWELL JUSTICE