

FOURTEENTH COURT OF APPEALS OF TEXAS

Tipton S. McMahon v. The State of Texas

No. 14-18-00203-CR · No. No. 14-18-00203-CR · Decided October 4, 2018

SUMMARY

The Fourteenth Court of Appeals granted appointed counsel's motion for an additional extension of time to file the appellant's brief. The court extended the deadline to November 18, 2018 and warned that no further extensions would be granted, noting potential abatement, sanctions, or appointment of new counsel for noncompliance.

CASE DETAILS

COURT	Fourteenth Court of Appeals of Texas
WRITING FOR THE COURT	Justice Boyce; Justice Christopher; Justice Jamison
JURISDICTION	Texas
DECIDED	October 4, 2018
DOCKET	No. 14-18-00203-CR
DISPOSITION	other
PROCEDURAL POSTURE	Appellant moved for an additional extension of time to file the appellate brief in a criminal appeal.
PRECEDENTIAL VALUE	published
PARTIES	Tipton S. McMahon v. The State of Texas

TOPICS

appellate procedure

criminal procedure

PRACTICE AREAS

appellate procedure

criminal procedure

QUESTIONS PRESENTED

1. Whether appointed appellate counsel should receive an additional extension of time to file appellant's brief.

KEY QUOTATIONS

“We GRANT the request until November 18, 2018. No further extensions will be granted.”

FACTUAL BACKGROUND

Appellant was represented by appointed counsel, Patricia Sedita, whose appellate brief had already been extended by 110 days. Counsel requested an additional extension to visit McMahon, who was an inpatient at Rusk State Hospital, and to determine how best to represent his interests.

PROCEDURAL HISTORY

McMahon appealed from the 185th District Court of Harris County, Texas, in trial court cause number 1272892. After multiple extensions totaling 110 days, appointed appellate counsel moved for another extension because she needed to visit McMahon, who was an inpatient at Rusk State Hospital. The court granted the extension until November 18, 2018 and warned that no further extensions would be granted.

DISPOSITION

other

OPINION

PER CURIAM.

Motion Granted and Order filed October 4, 2018 In The Fourteenth Court of Appeals _____ NO. 14-18-00203-CR _____ TIPTON S. MCMAHON, Appellant V. THE STATE OF TEXAS, Appellee On Appeal from the 185th District Court Harris County, Texas Trial Court Cause No. 1272892 ORDER Appellant is represented by appointed counsel, Patricia Sedita. Appellant’s brief was originally due May 31, 2018.

We have granted a total of 110 days to file appellant’s brief until September 18, 2018. On the last extension, we noted no further extensions would be granted absent extraordinary circumstances. On October 1, 2018, counsel filed a motion for a further extension of time until November 18, 2018 to file appellant’s brief.

The motion states she needs to visit appellant, an inpatient at Rusk State Hospital, to determine how best to represent his interests. We GRANT the request until November 18, 2018. No further extensions will be granted. If counsel does not timely file appellant’s brief as ordered, the court may issue an order abating the appeal and directing the trial court to conduct a hearing to determine the reason for the failure to file the brief and the consideration of sanctions, appointment of new counsel, or other appropriate relief.

PER CURIAM Panel consists of Justices Boyce, Christopher, and Jamison

