

TEXAS COURT OF CRIMINAL APPEALS

Mona Yvette Nelson v. The State of Texas

Nelson · No. PD-0390-15 · Decided April 13, 2015

SUMMARY

This document is a motion by Mona Yvette Nelson seeking an extension of time to file a petition for discretionary review in the Texas Court of Criminal Appeals. Counsel cites trial preparation, ongoing appellate work, and recent court appearances as reasons for the request, and asks to extend the deadline to May 9, 2015.

CASE DETAILS

COURT	Texas Court of Criminal Appeals
JURISDICTION	Texas
DECIDED	April 13, 2015
DOCKET	PD-0390-15
DISPOSITION	other
PROCEDURAL POSTURE	Appellant moved for an extension of time to file a petition for discretionary review of the First Court of Appeals' March 10, 2015 opinion.
PRECEDENTIAL VALUE	nonprecedential
PARTIES	Mona Yvette Nelson v. The State of Texas

TOPICS

appellate procedure

criminal procedure

PRACTICE AREAS

criminal appellate procedure

criminal procedure

QUESTIONS PRESENTED

1. Whether the Texas Court of Criminal Appeals should extend the deadline for filing Nelson's petition for discretionary review until May 9, 2015.

FACTUAL BACKGROUND

The document concerns the filing deadline for appellant Mona Yvette Nelson's petition for discretionary review. Counsel asserted that he could not timely prepare the petition because of preparation for multiple criminal trials, work on another appellate brief, and other recent court obligations. Counsel stated that this was the first extension requested and that appellant was indigent.

PROCEDURAL HISTORY

The First Court of Appeals in Houston decided the matter in Cause No. 01-13-00769-CR on March 10, 2015. Appellant's petition for discretionary review was due April 9, 2015, and appellant moved in the Texas Court of Criminal Appeals for an extension until May 9, 2015.

DISPOSITION

other

OPINION

PER CURIAM.

PD-0390-15 PD-0390-15 COURT OF CRIMINAL APPEALS AUSTIN, TEXAS APRIL 13, 2015 Transmitted 4/6/2015 1:10:41 PM Accepted 4/13/2015 3:15:44 PM ABEL ACOSTA NO. 01-13-00769-CR CLERK IN THE COURT OF APPEALS FIRST DISTRICT HOUSTON, TEXAS NO. 1394964 IN THE TRIAL COURT 182ND JUDICIAL DISTRICT HARRIS COUNTY, TEXAS MONA YVETTE NELSON § APPELLANT VS. § THE STATE OF TEXAS § APPELLEE MOTION FOR EXTENSION OF TIME FOR FILING PETITION FOR DISCRETIONARY REVIEW ALLEN C. ISBELL 202 Travis, Suite 208 Houston, Texas 77002 713/236-1000 Fax No. 713/236-1809 STATE BAR NO. 10431500 COUNSEL ON APPEAL TO THE HONORABLE COURT OF CRIMINAL APPEALS: COMES NOW MONA YVETTE NELSON, appellant, by and through her counsel on appeal, ALLEN C. ISBELL, and respectfully requests this Honorable Court grant an Extension of Time for Filing a Petition for Discretionary Review.

I. The First Court of Appeals in Houston, Texas, delivered an opinion in this matter on March 10, 2015, in Cause No. 1394964, entitled MONA YVETTE NELSON vs. The State of Texas. II. The present deadline for filing the Petition for Discretionary Review is April 9, 2015. III. Appellant requests that the time be extended until May 9, 2014. IV. Counsel is unable to timely file the Petition for Discretionary Review within the time prescribed by the TEXAS RULES OF APPELLATE PROCEDURE for the following reasons: c:\appeals\nelson\ext. pdr Page 2 of 5 1.

Counsel is preparing for the following Trials: • State vs. Hobbs, Cause Nos. 1322693, 1322694, 1322764, 1322796, 1323767, 1324124 & 1324125 (Death Penalty Capital)(jury selection set to begin April 27, 2015); • State vs. Davis, Nos. 1438664 (Evading Arrest)(set for May 26, 2015). 2. Counsel is presently working on the following Brief for Appellant: Rivera v. State, No. 01-14-00957-CR; 3.

Counsel has recently represented the following in court: State vs. Barfield, No. 14-DCR-065147; State vs. Blacknell, No. 1458444; State vs. Caplan, No. 1449686; State vs. Contreras, No. 1328812; State vs. Hornsby, Nos. 1455466, 1455467 & 1455768; Jones v. Babb, No. 2014-65748; State vs. Lawrence, No. 1455567; State vs. Lightfoot, Nos. 1415378, 1415379, 1420878, & 1436565; State vs. Magee, Nos. 1392085, 1386835, 1387732, & 1386809; State vs. McGlory, Nos. 1462825 & 1462826; State vs. Merryman, Nos. 1462519 & 1462520; State vs. Morris, No. 1458287; State vs. Olajuwon, No. 1462553; State vs. Peters, No. 1447571; State vs. Pinnock, Nos. 1435200 & 1393885; State vs. Quarrells, No. 1455220; State vs. Smith, No. 1436342; State vs. Stacy, No. 1444450; State vs. Thedford, Nos. 1408153 & 1408154; State vs. Williams, No. 1933046; V. This is the first (1) extension requested.

VI. This motion is urged at the first opportunity as appellant is indigent and will suffer irreparable harm if it is not granted. c:\appeals\nelson\ext. pdr Page 3 of 5 WHEREFORE, PREMISES CONSIDERED, appellant prays that this Honorable Court grant this extension of time in which to file the Petition for Discretionary Review until May 9, 2015. Respectfully submitted, /s/ Allen C. Isbell ALLEN C. ISBELL 202 Travis, Suite 208 Houston, Texas 77002 713/236-1000 Fax No. 713/236-1809 STATE BAR NO. 10431500 COUNSEL ON APPEAL Certificate of Service I hereby certify that on this 6th day of April, 2015, a true and correct copy of the foregoing Motion for Extension of Time for Filing Appellant's Petition for Discretionary Review has been sent to the District Attorney's Office, Appellate Division, and to Ms. Mona Yvette Nelson, appellant. /s/ Allen C. Isbell ALLEN C. ISBELL c:\appeals\nelson\ext. pdr Page 4 of 5 Certificate of Compliance The undersigned attorney on appeal certifies this motion is computer generated and consists of 567 words.

Counsel is relying on the word count provided by the Word Perfect computer software used to prepare the brief. /s/ Allen C. Isbell ALLEN C. ISBELL c:\appeals\nelson\ext. pdr Page 5 of 5