

TEXAS COURT OF CRIMINAL APPEALS

State v. Jenkins

Jenkins · No. PD-0832-15 · Decided November 23, 2015

SUMMARY

This document is an appellee's unopposed motion to extend the deadline for filing a reply brief in a Texas Court of Criminal Appeals case. James Alan Jenkins requests a thirty-day extension, through January 1, 2016, in response to the State's brief in discretionary review proceedings.

CASE DETAILS

COURT	Texas Court of Criminal Appeals
JURISDICTION	Texas
DECIDED	November 23, 2015
DOCKET	PD-0832-15
DISPOSITION	other
PROCEDURAL POSTURE	Appellee moved for an unopposed thirty-day extension of time to file a reply brief in discretionary review proceedings before the Texas Court of Criminal Appeals.
PRECEDENTIAL VALUE	Nonprecedential procedural filing; no merits opinion or binding legal holding appears in the source.
PARTIES	The State of Texas v. James Alan Jenkins

TOPICS

[appellate procedure](#) [criminal procedure](#) [election law](#)

PRACTICE AREAS

[appellate procedure](#) [criminal procedure](#) [election law](#)

QUESTIONS PRESENTED

1. Whether the appellee should receive a thirty-day extension of time to file a reply brief in a discretionary review proceeding.

FACTUAL BACKGROUND

The underlying prosecution arose in the 359th Judicial District Court of Montgomery County, Texas, and concerned an alleged violation of the Election Code. The Fourteenth Court of Appeals reversed the judgment and conviction. The present document concerns only appellee's unopposed request for additional time to respond to the State's brief in discretionary review.

PROCEDURAL HISTORY

The Fourteenth Court of Appeals reversed Jenkins's judgment and conviction in appellate cause number 14-13-00662-CR. The Texas Court of Criminal Appeals granted the State's petition for discretionary review on September 16, 2015. After the State received an extension and filed its brief, Jenkins sought a thirty-day extension, until January 1, 2016, to file his reply brief.

DISPOSITION

other

OPINION

PER CURIAM.

PD-0832-15 COURT OF CRIMINAL APPEALS AUSTIN, TEXAS November 23, 2015 Transmitted 11/23/2015 11:16:16 AM Accepted 11/23/2015 11:52:25 AM NO. PD-0832-15 ABEL ACOSTA CLERK IN THE TEXAS COURT OF CRIMINAL APPEALS AT AUSTIN THE STATE OF TEXAS, Appellant VS. JAMES ALAN JENKINS, Appellee ON DISCRETIONARY REVIEW FROM THE COURT OF APPEALS FOR THE FOURTEENTH SUPREME JUDICIAL DISTRICT OF TEXAS AT HOUSTON CASE NUMBER 14-13-00662-CR APPELLEE'S UNOPPOSED MOTION TO EXTEND TIME WITHIN WHICH TO FILE APPELLEE'S REPLY BRIEF TO THE HONORABLE JUDGES OF SAID COURT: NOW COMES, JAMES ALAN JENKINS, appellee in the above-styled and numbered cause, by and through his attorney of record, George McCall Secrest, Jr., and pursuant to Rules 10.5(b) and 38.6(d), Tex. R. App.

P., files this Unopposed Motion to Extend Time Within Which to File Appellee's Reply Brief, and for cause would show the Court as follows: (1) The Fourteenth Court of Appeals in Cause No. 14-13-00662-CR reversed the judgment and conviction in Cause Number 12-03-02579-CR, a case styled the State of Texas v. James Alan Jenkins, which arose out of a prosecution in the 359th Judicial District Court of Montgomery County, Texas, for allegedly violating the Election Code.

(2) The Court of Criminal Appeals granted the State's Petition for Discretionary Review on September 16, 2015. (3) The State sought an unopposed extension of time within which to file its brief which was granted by this Court and the brief was filed on November 2, 2015.

(4) The Appellee's Reply Brief is due to be filed on December 2, 2015. (5) The Appellee requests a thirty (30) day extension of time from that date within which to file his brief to January 1, 2016.

(6) This request for an extension is the first that Appellee has sought and he represents to this Court that no further requests for an extension will be sought.

(7) Appellant's counsel, Mr. Jon R. Meador, Assistant Attorney General, does not oppose this request. (8) This request for an extension is sought in order to thoroughly address and respond to the Appellant's contentions (which it acknowledges have changed since the reversal of the judgment by the Court of Appeals) and to provide this Court an exhaustive analysis of the decisions of the Court of Appeals and the relevant decisional law.

This request is not sought for purposes of delay. (9) The undersigned counsel has been actively involved in the representation of other clients in pending state court criminal actions, an on-going federal investigation, and has participated in an evidentiary hearing since the State's Brief was filed. WHEREFORE, PREMISES CONSIDERED, appellee respectfully requests that this motion be granted and that the Court permit an extension of time to file Appellee's Reply to the State's Brief until January 1, 2016.

Respectfully submitted, GEORGE McCALL SECREST, JR. State Bar No.17973900 BENNETT & SECREST, PLLC 808 Travis Street, 24th Floor Houston, Texas 77002 (713) 757-0679 (713) 650-1602 (FAX) Email: gmsecrest@aol.com Attorney for Appellant, JAMES ALAN JENKINS
CERTIFICATE OF SERVICE I hereby certify that a true and correct copy of the foregoing Appellee's Unopposed Motion to Extend Time Within Which to File Appellee's Reply Brief has been delivered to Mr. Jon R. Meador, Assistant Attorney General, 300 W. 15 Street, Austin, Texas, 78701, and to the Honorable Lisa C. McMinn, State Prosecuting Attorney, P.O.

Box 13046, Austin, Texas 78711, via United States Mail, on this 23rd day of November, 2015.
GEORGE McCALL SECREST, JR. ^•" / \ \