

TEXAS COURT OF CRIMINAL APPEALS

Alyssa Pullen v. The State of Texas

Pullen · No. PD-1664-14 · Decided December 29, 2014

SUMMARY

This document is Alyssa Pullen’s motion requesting an extension of time to file a petition for discretionary review in the Texas Court of Criminal Appeals. The motion states that the First Court of Appeals affirmed her driving-while-intoxicated conviction and requests an extension from December 22, 2014, to January 22, 2015.

CASE DETAILS

COURT	Texas Court of Criminal Appeals
JURISDICTION	Texas
DECIDED	December 29, 2014
DOCKET	PD-1664-14
DISPOSITION	other
PROCEDURAL POSTURE	Appellant moved in the Texas Court of Criminal Appeals for an extension of time to file a petition for discretionary review.
PRECEDENTIAL VALUE	none
PARTIES	Alyssa Pullen v. The State of Texas

TOPICS

appellate procedure

criminal procedure

PRACTICE AREAS

criminal appellate procedure

criminal procedure

QUESTIONS PRESENTED

1. Whether Pullen should receive an extension of time to file her petition for discretionary review.

FACTUAL BACKGROUND

Pullen was charged with driving while intoxicated. A jury convicted her, and the trial court imposed a sentence of three days in the Harris County Jail and a \$1,500 fine on March 15, 2013. After the First District Court of

Appeals upheld the conviction in a corrected opinion and denied en banc reconsideration, Pullen's counsel requested additional time to prepare a petition for discretionary review.

PROCEDURAL HISTORY

A jury convicted Pullen of driving while intoxicated and sentenced her to three days in the Harris County Jail and a \$1,500 fine. The First District Court of Appeals issued a corrected opinion upholding the conviction on November 20, 2014, and denied Pullen's motion for en banc reconsideration. Pullen sought an extension of the deadline for filing a petition for discretionary review from December 22, 2014, to January 22, 2015.

DISPOSITION

other

OPINION

PER CURIAM.

PD-1664-14 PD-1664-14 COURT OF CRIMINAL APPEALS AUSTIN, TEXAS Transmitted
12/22/2014 11:47:42 AM Accepted 12/29/2014 12:54:34 PM ABEL ACOSTA NO.

CLERK IN THE COURT OF CRIMINAL APPEALS AT AUSTIN
— ♦ NO. 01-13-00259-CR IN THE FIRST DISTRICT
COURT OF APPEALS HOUSTON, TEXAS — ♦ ALYSSA
PULLEN, Appellant V. THE STATE OF TEXAS, Appellee
— ♦ CAUSE NO. 1817849 IN COUNTY CRIMINAL
COURT AT LAW NO. 4 HARRIS COUNTY, TEXAS — ♦
APPELLANT'S MOTION FOR EXTENSION OF TIME WITHIN WHICH TO FILE
APPELLANT'S PETITION FOR DISCRETIONARY REVIEW GARY S. MILLER State Bar No:
24051050 1018 Preston St., Suite 500 Houston, TX 77002 December 29, 2014 tel: (713) 223-4200
fax: (713) 222-7022 gary@millerlindsey.com TO THE HONORABLE COURT OF CRIMINAL
APPEALS OF TEXAS: APPELLANT, pursuant to TEX. R. APP.

P. 68.2(C) and 10.5(b)(3), moves for an extension of time within which to file her petition for discretionary review. In support of its motion, appellant submits the following: 1. Appellant was charged with driving while intoxicated. 2. A jury convicted Appellant of the charged offense and she was sentenced to 3 days in the Harris County Jail along with a \$1,500.00 fine on March 15, 2013.

3. On November 20, 2014, a panel of the First Court of Appeals issued a corrected opinion upholding appellant's conviction and also denied appellant's motion for en banc reconsideration (which was filed on October 10, 2014). 4. Appellant's petition for discretionary review is due on December 22, 2014. 5. Appellant seeks an extension to file her petition for discretionary review until January 22, 2015.

6. This is Appellant's first request for an extension of the deadline within which to file her petition for discretionary review. 7. The factual basis for the requested extension is because Appellant's counsel needs additional time to prepare the Petition for Discretionary Review and has been unable to complete it because of prior court settings including a jury trial which was scheduled for December 15, 2014, State of Texas v. Edward Simpson, County Criminal Court at Law No. 5, Harris County, Texas in Cause No. 1960266.

Appellant's counsel was also scheduled for a motion to revoke probation hearing on December 1, 2014, in 411th District Court, State of Texas v. Beau Mullins, San Jacinto County, Texas in Cause No. 10,540. 8. Appellant's motion is not for purposes of delay, but so that justice may be done. PRAYER Appellant therefore respectfully requests that this Honorable Court grant the requested extension until January 22, 2015.

Respectfully submitted: /S/ GARY S. MILLER GARY S. MILLER Attorney for Alyssa Pullen
State Bar No: 24051050 1018 Preston St., Suite 500 Houston, TX 77002 phone: (713) 223-4200
fax: (713) 222-7022 gary@millerlindsey.com CERTIFICATE OF SERVICE Pursuant to TEX. R.
APP. P. 9.5, this certifies that on December 22, 2014, a copy of the foregoing Motion was
delivered via facsimile to the following address: Assistant District Attorney Carly Dessauer, Harris
County District Attorney's Office, 1201 Franklin Street, Houston, Texas 77002 at (713) 755-5809.
/S/ GARY S. MILLER GARY S. MILLER