

# COURT OF APPEALS FOR THE FIRST DISTRICT OF TEXAS AT HOUSTON

## O.D. Van Duren, Jr. v. State

Van Duren v. State · No. 01-13-00103-CR · Decided February 20, 2014

### SUMMARY

The Texas Court of Appeals for the First District of Houston granted the appellant's motion concerning his appellate brief. The court suspended the requirement to file five copies under Texas Rule of Appellate Procedure 9.3(a)(1) and deemed the appellant's pro se brief to be his appellate brief.

### CASE DETAILS

|                       |                                                                                                                                                            |
|-----------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------|
| COURT                 | Court of Appeals for the First District of Texas at Houston                                                                                                |
| WRITING FOR THE COURT | Jane Bland                                                                                                                                                 |
| JURISDICTION          | Texas                                                                                                                                                      |
| DECIDED               | February 20, 2014                                                                                                                                          |
| DOCKET                | 01-13-00103-CR                                                                                                                                             |
| DISPOSITION           | other                                                                                                                                                      |
| PROCEDURAL POSTURE    | Appellant moved to suspend the requirement that he file five copies of his appellate brief and to have his pro se brief accepted as his appellant's brief. |
| PRECEDENTIAL VALUE    | Published                                                                                                                                                  |
| PARTIES               | O.D. Van Duren, Jr. v. The State of Texas                                                                                                                  |

### TOPICS

appellate procedure

criminal procedure

### PRACTICE AREAS

appellate procedure

criminal procedure

### QUESTIONS PRESENTED

1. Whether the court should suspend the requirement that appellant file five copies of his appellate brief.
2. Whether appellant's pro se brief should be deemed his appellant's brief.

### HOLDINGS

1. The court suspended the requirement under Texas Rule of Appellate Procedure 2.
2. The court deemed appellant's pro se brief to be his appellant's brief.

#### KEY QUOTATIONS

*“The requirement that appellant file five copies of his appellant’s brief with this Court under Texas Rule of Appellate Procedure 9.3(a)(1) is suspended.” (Order)*

*“Appellant’s pro se brief is deemed to be his appellant’s brief.” (Order)*

#### FACTUAL BACKGROUND

O.D. Van Duren, Jr., proceeding pro se, filed a motion requesting that the court suspend the requirement to file five copies of his appellate brief. He also requested that the court accept his pro se brief as his appellant's brief.

#### PROCEDURAL HISTORY

The appeal was pending in the Court of Appeals for the First District of Texas. On January 29, 2014, appellant filed a motion relating to his appellate brief. The court granted the motion by order dated February 20, 2014.

#### DISPOSITION

other

#### OPINION

PER CURIAM.

COURT OF APPEALS FOR THE FIRST DISTRICT OF TEXAS AT HOUSTON ORDER ON MOTION Cause number: 01-13-00103-CR Style: O.D. VanDuren v The State of Texas Date motion filed: January 29, 2014 Party filing motion: Appellant Document to be filed: Appellant's Brief Ordered that motion is:    Granted If document is to be filed, document due:    The Clerk is instructed to file the document as of the date of this order    Absent extraordinary circumstances, the Court will not grant additional motions to extend time    Denied    Dismissed (e.g., want of jurisdiction, moot) On January 29, 2014, appellant, O.D.

VanDuren, filed a “Motion Relating to Appellant’s Brief” requesting that this Court (1) suspend the requirement that appellant file copies of his appellant’s brief and (2) “accept his pro se brief as his Appellate Brief.” The motion is granted.

The requirement that appellant file five copies of his appellant’s brief with this Court under Texas Rule of Appellate Procedure 9.3(a)(1) is suspended. See TEX. R. APP. P. 2. Appellant’s pro se brief is deemed to be his appellant’s brief. Judge's signature: /s/ Justice Jane Bland    Acting individually    Acting for the Court Panel consists of \_\_\_\_\_.

Date: February 20, 2014 November 7, 2008 Revision

