

TEXAS COURT OF CRIMINAL APPEALS

Anthony Strange v. The State of Texas

Strange · No. PD-1611-14; 06-13-00178-CR · Decided January 23, 2015

SUMMARY

This document is a Texas criminal appellate motion seeking a seven-day extension to file an appellant's petition for discretionary review. It includes a proposed order and counsel's supporting letter describing medical issues and scheduling conflicts.

CASE DETAILS

COURT	Texas Court of Criminal Appeals
JURISDICTION	Texas
DECIDED	January 23, 2015
DOCKET	PD-1611-14; 06-13-00178-CR
DISPOSITION	other
PROCEDURAL POSTURE	Appellant moved for a seven-day extension of time to file a petition for discretionary review from the judgment of the court of appeals.
PRECEDENTIAL VALUE	Nonprecedential procedural filing or order; no merits holding appears in the document.
PARTIES	Anthony Strange v. The State of Texas

TOPICS

appellate procedure

criminal procedure

PRACTICE AREAS

Texas criminal appellate procedure

petitions for discretionary review

motions for extension of time

QUESTIONS PRESENTED

1. Whether appellant should receive a seven-day extension of time to file a petition for discretionary review under Texas Rules of Appellate Procedure 38.6 and 10.5(b).

FACTUAL BACKGROUND

Strange was convicted of aggravated assault with a deadly weapon in the 188th District Court of Gregg County and sentenced to ten years in the Texas Department of Criminal Justice. After the reporter's record was filed, his counsel requested additional time to prepare a petition for discretionary review because of medical problems and a busy trial and appellate schedule.

PROCEDURAL HISTORY

Anthony Strange was convicted in the 188th District Court of Gregg County, Texas, of aggravated assault with a deadly weapon and received a ten-year sentence on May 7, 2013. The reporter's record was filed on January 22, 2014, and the petition for discretionary review was due on or about January 20, 2015. Appellant requested an extension until January 26, 2015, citing counsel's medical problems and workload; the document includes an order form with the grant, denial, and hearing alternatives left blank.

DISPOSITION

other

OPINION

Strange, Anthony Fernando

PER CURIAM.

^ FILED IN PD-1611-14

COURT OF CRIMINAL APPEALS COURT OF CRIMINAL APPEALS

AUSTIN, TEXAS

January 22, 2015 Transmitted 1/20/2015 2:40:00 PM Accepted 1/22/2015 3:19:52 PM

ABELACOSTA, CLERK FOR THE COURT OF CRIMINAL APPEALS ABEL ACOSTA

IN AUSTIN, TEXAS CLERK

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ANTHONY STRANGE §

QtfCb^ Appellant

§ CASE NO. 06-13-00178-CR

PD-1611-14

TRIAL COURT NO. 41,833-A

THE STATE OF TEXAS

Appellee

MOTION FOR EXTENSION OF TIME

TO FILE APPELLANT'S PETITION FOR DISCRETIONARY REVIEW

TO THE HONORABLE COURT OF APPEALS: NOW COMES, ANTHONY STRANGE, the Appellant herein, and moves the Court for an extension of time to file Appellant's Petition for Discretionary Review in this cause, pursuant to Rules 38.6 and 10.5 (b) of the Texas Rules of Appellate Procedure, and in support thereof would show the Court as follows: I. The Appellant in

this cause was convicted in the 188th District Court, Gregg County, Texas in cause number 41,833-A for the offense of Aggravated Assault With a Deadly Weapon listed in penalty group three (3). On May 7, 2013, punishment was assessed at ten (10) years in the Texas Department of Criminal Justice - Institutional Division. II. The Reporter's record was filed on January 22, 2014. The Appellant's Petition for Discretionary Review is due on or about January 20, 2015. III. The Appellant hereby requests an extension of time to file Appellant's Petition for Discretionary Review. The undersigned counsel has been unable to devote sufficient time to the review of the record, research and preparation of Appellant's Petition for Discretionary Review for the following good and sufficient reasons: The undersigned counsel is experiencing medical problems that have been explained in his vacation letter dated December 17, 2014 (see attachment) and has also been involved with a very busy trial and appellate schedule. In addition to the above-listed matters, this counsel is involved in numerous other federal, felony and misdemeanor cases at various stages of litigation. WHEREFORE, PREMISES CONSIDERED, the undersigned counsel, on behalf of Appellant, respectfully prays that this Honorable Court extend the time for filing Appellant's Petition for Discretionary review for an additional seven (07) days, to January 26, 2015.

RESPECTFULLY SUBMITTED,

/s/ Clement Dunn Attorney for Appellant 140 E. Tyler Street, Suite 240 Longview, TX 75601

(903) 753-7071 Fax (903) 753-8783

State Bar # 06249300

CERTIFICATE OF SERVICE

As Attorney of Record for Defendant, I do hereby Certify that a true and correct copy of the above and foregoing document was this date provided to the Attorney for the State. Date: 01-20-15

Isi Clement Dunn Attorney for Appellant

FOR THE COURT OF CRIMINAL APPEALS

IN AUSTIN, TEXAS

ANTHONY STRANGE §

Appellant

VI. § CASE NO. 06-13-00178-CR

PD-1611-14

TRIAL COURT NO. 41,833-A

THE STATE OF TEXAS

Appellee §

ORDER

BE IT REMEMBERED, that on the day of , 2015, came on to be considered the above and foregoing Motion for Extension of Time to File Appellant's Petition for Discretionary Review. After consideration of the same, it is the opinion of the Court that Appellant's Motion be: () GRANTED, and the present cause is hereby extended until , 2015. () DENIED, to which ruling the Appellant excepts. () SET FOR HEARING ON THE day of ,2014, at o'clock . SIGNED:

JUDGE PRESIDING

Clement Dunn Attorney at Law 140 E. Tyler Street, Suite 240 Longview, Texas 75601

(903)753-7071 FAX: (903) 753-8783

December 17, 2014 Attn: Clerk/Court Coordinators From: Clement Dunn Re: Vacation Letter This letter deals with an unusual concept of a "vacation": I need to be in Boston, Massachusetts, approximately March 1-12, 2015, for the purpose of having ear surgery. These surgeries, involving the Eustachian tubes, both left and right, will be performed by Dr. Dennis S. Poe, M.D., a professor at Harvard Medical School. This involves a procedure that he has pioneered. He is one of the few doctors anywhere who can do this. My acceptance for this was based on his review of my voluminous medical records detailing the history of these problems and their treatment. If this proves successful, additional reconstructive surgery will follow, although perhaps at a later date. The necessity of this arises from the "implosion" of my left middle ear. This has occurred gradually over the past few months, but has accelerated and become quite severe in just the past few weeks. I have been under the care of Dr. William Rotzler, M.D., an ear specialist here in Longview, who has treated me on a regular and ongoing basis for decades now. He has performed numerous procedures, including two tympanoplasties, in 2003 and 2009, involving reconstruction of the ear drum on the right side. I have had a significant hearing loss on the right side for a number of years. At this point, the left ear has a much greater hearing loss than the right, so action is required. Dr. Rotzler has scheduled a hearing test on December 30, 2014 (this was scheduled December 4; this was the earliest available date); it will take approximately two weeks for that test to be fully evaluated. Dr. Poe has sent instructions for a CT-scan to Dr. Rotzler and this is scheduled for January 5, 2015. Given the hearing loss, as well as other ramifications of this dysfunction—earaches, headaches, pressure imbalance, muffled and displaced perceptions of what is heard—I am advised not to participate in complex hearings or trials at least until around the first week in February. By then, it is hoped that some, at least temporary, relief may be available, based on the analysis of the hearing test and CT-scan, while we are waiting on the surgeries to be performed, beginning in March. Your understanding in this matter is greatly appreciated. Sincerely, Clement Dunn Attorney at Law