

COURT OF APPEALS FOR THE FIRST JUDICIAL DISTRICT OF TEXAS

Daniel Sherman Brown v. State

Brown v. State · No. Nos. 01-15-00291-CR, 01-15-00292-CR, & 01-15-00293-CR · Decided August 18, 2015

SUMMARY

This document is an appellant's motion requesting an extension of time to file an appellate brief in three consolidated Texas criminal appeals. Daniel Sherman Brown asks the First Court of Appeals to extend the briefing deadline from August 14, 2015, to September 30, 2015, citing counsel's workload and the need for additional time to review the record and prepare the brief.

CASE DETAILS

COURT	Court of Appeals for the First Judicial District of Texas
JURISDICTION	Texas
DECIDED	August 18, 2015
DOCKET	Nos. 01-15-00291-CR, 01-15-00292-CR, & 01-15-00293-CR
PROCEDURAL POSTURE	Appellant moved under Texas Rules of Appellate Procedure 10.1 and 10.5(b) for an extension of time to file his appellate brief in three criminal appeals.
PRECEDENTIAL VALUE	The document is a motion for extension of time and contains no stated merits holding.
PARTIES	Daniel Sherman Brown v. The State of Texas

TOPICS

appellate procedure

criminal procedure

PRACTICE AREAS

criminal appellate procedure

motions for extension of time

QUESTIONS PRESENTED

1. Whether the appellant should receive an extension of time until September 30, 2015, to file his appellate brief.

FACTUAL BACKGROUND

The appellant's appellate brief was due August 14, 2015. Appellant's counsel stated that additional time was needed to review the record and prepare the brief because of counsel's workload, and represented that no prior motion for an extension had been requested or granted.

PROCEDURAL HISTORY

The matters arose from three causes in the 183rd Judicial District Court of Harris County, Texas. Appellant's brief was due August 14, 2015, and he requested an extension until September 30, 2015, stating that counsel needed additional time because of workload and review of the appellate record. The document does not state whether the motion was granted or denied.

OPINION

PER CURIAM.

ACCEPTED 01-15-00292-CR FIRST COURT OF APPEALS HOUSTON, TEXAS 8/18/2015 4:25:15 PM CHRISTOPHER PRINE Nos. 01-15-00291-CR 01-15-00292-CR, & 01-15-00293-CR CLERK IN THE FILED IN 1st COURT OF APPEALS Court of Appeals HOUSTON, TEXAS For the First Judicial District of Texas 8/18/2015 4:25:15 PM CHRISTOPHER A. PRINE At Houston Clerk _____ DANIEL SHERMAN BROWN, Appellant v. THE STATE OF TEXAS Appellee _____ Cause numbers: 1414895, 1422157, & 1422158 In the 183rd Judicial District Court Of Harris County, Texas _____ Appellant's Motion for Extension of Time Within Which to file the Appellant's Brief _____ TO THE HONORABLE FIRST COURT OF APPEALS: Daniel Sherman Brown, the appellant, under TEX. R. APP.

P. 10.1 & 10.5(b), moves for an extension of time within which to file his appellate brief. In support of his motion, the appellant submits the following: (A) The appellant's brief is due on August 14, 2015. (B) The appellant seeks an extension of time to file the appellant's brief until, September 30, 2015. (C) The appellant relies upon the following facts to reasonably explain the need for an extension: Due to the undersigned's work load, more time is necessary to review the appellant record and prepare an appellate brief.

(D) No previous motion requesting an extension of time to file the appellant's brief has been requested or granted. WHEREFORE, the appellant prays that this Court will grant the requested extension until September 30, 2015. Respectfully submitted, ___/s/___Kelly Smith_____ KELLY ANN SMITH CERTIFICATE OF COMPLIANCE & SERVICE Pursuant to TEX. R. APP. P. 9.5 & 9.4, this certifies that this document contains 274 words and a copy of the foregoing was served on the State at the following address: Devon Anderson, District Attorney, 1201 Franklin, 6th Floor, Houston, Texas 77002. ___/s/___KellySmith_____ KELLY ANN SMITH Texas Bar No. 00797867 P.O.

Box 10751 Houston, TX 77206 281-734-0668 Kelly.A.Smith.06@gmail.com 2

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