

FOURTH COURT OF APPEALS OF TEXAS, SAN ANTONIO

David Gene Becka v. The State of Texas

No. 04-22-00725-CV · No. 04-22-00725-CV · Decided November 10, 2022

SUMMARY

The Fourth Court of Appeals of Texas granted David Gene Becka's motion for an extension of time to file his notice of appeal. The court deemed the notice timely under Texas Rule of Appellate Procedure 26.3 after finding that it was filed within the applicable fifteen-day extension period and that the appellant provided a reasonable explanation.

OPINION

PER CURIAM.

Fourth Court of Appeals San Antonio, Texas November 10, 2022 No. 04-22-00725-CV David Gene BECKA, Appellant v. The STATE of Texas, Appellee From the 144th Judicial District Court, Bexar County, Texas Trial Court No. 2019CR1257 Honorable Andrew Wyatt Carruthers, Judge Presiding ORDER In our November 8, 2022 order, we advised Appellant that his notice of appeal was late, but it was filed within fifteen days after the notice was due.

See TEX. R. APP. P. 26.3. We implied a motion for extension of time, see *Verburgt v. Dorner*, 959 S.W.2d 615, 617 (Tex. 1997), and we ordered Appellant to file a motion for extension of time that reasonably explains the need for an extension. See TEX. R. APP. P. 26.3 (citing TEX. R. APP. P. 10.5(b)); *In re E.K.C.*, 486 S.W.3d 614, 616 (Tex. App.—San Antonio 2016, no pet.).

Appellant timely filed a response. Appellant's motion for extension of time to file the notice of appeal is GRANTED; the notice is deemed timely filed. See TEX. R. APP. P. 26.3; *Garcia v. Kastner Farms, Inc.*, 774 S.W.2d 668, 670 (Tex. 1989). _____

Patricia O. Alvarez, Justice IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of the said court on this 10th day of November, 2022.

MICHAEL A. CRUZ, Clerk of Court