

TEXAS COURT OF CRIMINAL APPEALS

Medina-Gonzalez v. State

Medina-Gonzalez · No. PD-1661-14 · Decided December 29, 2014

SUMMARY

This document is a motion filed by Marco Polo Medina-Gonzalez in the Texas Court of Criminal Appeals requesting a 90-day extension of time to file a petition for discretionary review. The motion states that the underlying conviction was affirmed on November 20, 2014, and cites counsel's workload, scheduled proceedings, holidays, and the appellant's incarceration as grounds for the requested extension.

CASE DETAILS

COURT	Texas Court of Criminal Appeals
JURISDICTION	Texas
DECIDED	December 29, 2014
DOCKET	PD-1661-14
DISPOSITION	other
PROCEDURAL POSTURE	Appellant moved in the Texas Court of Criminal Appeals for a ninety-day extension of time to file a petition for discretionary review following the court of appeals' affirmance of his conviction.
PRECEDENTIAL VALUE	No precedential holding appears in the document; it is a motion seeking an extension of time.
PARTIES	Marco Polo Medina-Gonzalez v. State of Texas

TOPICS

appellate procedure

criminal procedure

PRACTICE AREAS

criminal appellate procedure

petition for discretionary review

extension of filing deadline

QUESTIONS PRESENTED

1. Whether appellant should receive a ninety-day extension of time to file a petition for discretionary review.

FACTUAL BACKGROUND

The underlying conviction was affirmed by a Texas court of appeals on November 20, 2014. Appellant was incarcerated. His attorney represented that competing appellate and trial obligations, continuing legal education commitments, judicial duties, and the holiday period prevented timely completion of the petition for discretionary review.

PROCEDURAL HISTORY

The court of appeals affirmed appellant's conviction on November 20, 2014, in cause number 10-13-00394-CR. Appellant stated that his petition for discretionary review was due December 20, 2014, and requested an extension until March 21, 2015 based on counsel's workload, scheduled trials, professional obligations, and appellant's incarceration. The document text contains the motion and certificate of service but does not include an order granting or denying the requested extension.

DISPOSITION

other

CASES CITED

- Marco Polo Medina-Gonzalez v. State, No. 10-13-00394-CR
- State of Texas v. Aaron Anthony Torres, No. 13-14-00031-CR

OPINION

PER CURIAM.

PD-1661-14 COURT OF CRIMINAL APPEALS PD-1661-14 AUSTIN, TEXAS December 29, 2014 Transmitted 12/19/2014 6:04:03 PM Accepted 12/29/2014 11:13:38 AM ABEL ACOSTA CLERK NO. _____ MARCO POLO § IN THE COURT OF MEDINA-GONZALEZ § § VS. § CRIMINAL APPEALS § STATE OF TEXAS § OF TEXAS MOTION TO EXTEND TIME TO FILE PETITION FOR DISCRETIONARY REVIEW TO THE HONORABLE JUDGES OF SAID COURT: Now comes Marco Polo Medina-Gonzalez, Appellant in the above styled and numbered cause, and moves for an extension of time of 90 days to file a petition for discretionary review, and for good cause shows the following: 1.

On November 20, 2014, the Court of Appeals affirmed appellant's conviction. Marco Polo Medina-Gonzalez v. State, 10-13-00394-CR. This petition is therefore due on December 20, 2014. 2. Counsel has been unable to complete the petition for the following reasons: In addition to Appellate Counsel's regular solo practice, he had an appellate brief due December 15, 2014 in the Thirteenth Court of Appeals for the State of Texas.

The record consisted of more than 800 pages for this appeal -- No. 13-14-00031-CR, State of Texas v. Aaron Anthony Torres--in which the defendant was convicted of: 1 count continuous

sexual abuse of a child, 3 counts aggravated sexual assault of a child, and 4 counts indecency with a child by contact. Additionally 3. Appellant request an extension of ninety (90) days to file his petitioner and submits the following as the reason for such request: a) The Holidays b) Appellate Counsel currently has the following court settings: a. Jury trial beginning 1/12/2015 in United State v. Andrew Toliver, cause number W-14-CR-258, in the Western District of Texas Waco Division, wherein the Defendant is charged with Possession of a Controlled Substance. b. Jury trial beginning 1/13/2015 in State v. Lamar Sterling, in the 19th District Court of McLennan County, wherein Defendant is charged with: i. Tampering with Physical Evidence, cause number 2014-1268-C1; ii.

Possession of Controlled Substance, cause number cause number 2013-567-C1; iii. Possession of Controlled Substance in a drug free zone, cause number 2013-2117-C1. c. 1/21/2015-1/26/2015 CLE seminar 2015 National Appellate Defense & Persuasive Writing Skills Institute with the National Legal aid & Defender Association. d. 2/3/2015 priority jury trial beginning in State v. Ronny Standifer, cause number 2013-122-C1 in the 19th District Court of McLennan County, Texas wherein Defendant is charged with Aggravated Assault. e. 2/23/2015 jury trial beginning in State v. Mekamie Olivarez, cause number 2014-521-C2 in the 54th District Court of McLennan County, Texas where Defendant is charged with Possession of Controlled Substance. f. 2/24/2015 jury trial beginning in State v. Willie Lloyd in the 19th District Court of McLennan County where Defendant is charged with: i. Theft of Service cause number 2013-1295-C1 ii.

Theft by Check cause number 2012-1861-C1 g. 2/24/2015 jury trial beginning in State v. Tina Johnson Fox where Defendant is charged by Theft in cause number 2014-1239-C1 in the 19th District Court. h. 2/15/15-2/18/15 Appellate Counsel serves as the Presiding Judge of the Marlin Municipal Court and is expected to attend the annual mandatory judge's seminar with the TMCEC.

4. Appellant is currently incarcerated. WHEREFORE, PREMISES CONSIDERED, appellant respectfully requests an extension of 90 days, i.e. until March 21, 2015, to file a petition for discretionary review. Respectfully submitted, Law Office of Denton B. Lessman 100 N. 6th Street, Ste. 702 Waco, TX 76701 Tel: (254) 776-4544 Fax: (254) 776-4551 Digitally signed by Denton B. Lessman DN: cn=Denton B. Lessman, o=Law Office of Denton B. Lessman, ou, email=DLessmanAtty@aol.com, c=US Date: 2014.12.19 18:00:06 -06'00' By: Denton B. Lessman State Bar No. 24042474 DLessmanAtty@aol.com Attorney for Marco Polo Medina-Gonzalez
CERTIFICATE OF SERVICE This is to certify that on December 19, 2014, a true and correct copy of the above and foregoing document was served on the District Attorney's Office, McLennan County, Texas, by electronic service through the Electronic Filing Digitally signed by Denton B. Lessman Manager.

DN: cn=Denton B. Lessman, o=Law Office of Denton B. Lessman, ou,
email=DLessmanAtty@aol.com, c=US Date: 2014.12.19 18:00:18 -06'00' Denton B. Lessman

Retrieved from lawtools.ai · <https://lawtools.ai/cases/state/texas-texas-court-of-criminal-appeals/2014/medina-gonzalez-v-state-seijzfhd>