

FOURTH COURT OF APPEALS OF TEXAS AT SAN ANTONIO

Daniel Jeremy Torres v. State

No. 04-17-00341-CR (Tex. App.—San Antonio Dec. 7, 2017) · No. No. 04-17-00341-CR · Decided December 7, 2017

SUMMARY

The Fourth Court of Appeals of San Antonio granted the appellant's second motion for an extension of time to file the appellant's brief. The court ordered the brief filed by January 5, 2018, and stated that further extensions would require a timely motion demonstrating extraordinary circumstances and other specified assurances.

CASE DETAILS

COURT	Fourth Court of Appeals of Texas at San Antonio
WRITING FOR THE COURT	Luz Elena D. Chapa, Justice
JURISDICTION	Texas
DECIDED	December 7, 2017
DOCKET	No. 04-17-00341-CR
DISPOSITION	other
PROCEDURAL POSTURE	The court considered appellant's second motion for an extension of time to file his appellate brief.
PRECEDENTIAL VALUE	Procedural order; no reporter citation appears in the source.
PARTIES	Daniel Jeremy Torres v. The State of Texas

TOPICS

[appellate procedure](#)[criminal procedure](#)

PRACTICE AREAS

[appellate procedure](#)[criminal procedure](#)

QUESTIONS PRESENTED

1. Whether appellant's second motion for an extension of time to file his appellate brief should be granted.
2. What conditions would govern any request for a further extension.

HOLDINGS

1. The court granted appellant's second motion for an extension and ordered him to file his brief by January 5, 2018.
2. Any further extension request must be timely and demonstrate extraordinary circumstances justifying delay, advise the court of counsel's preparation efforts, and provide reasonable assurance that the brief will be completed by the requested deadline; a heavy work schedule is generally not considered an extraordinary circumstance.

KEY QUOTATIONS

“Counsel is advised that no further extensions of time will be granted absent a timely motion that (1) demonstrates extraordinary circumstances justifying further delay, (2) advises the court of the efforts counsel has expended in preparing the brief, and (3) provides the court reasonable assurance that the brief will be completed and filed by the requested extended deadline.” (Order)

FACTUAL BACKGROUND

The opinion contains no merits-related factual findings. The relevant procedural fact is that appellant sought a second extension of time to file his appellate brief.

PROCEDURAL HISTORY

Torres appealed from the 226th Judicial District Court of Bexar County, Texas, trial court cause number 2016CR4390A. During the appeal, he filed a second motion for an extension of time to file his appellant's brief; the court granted the motion and set January 5, 2018, as the filing deadline.

DISPOSITION

other

OPINION

PER CURIAM.

Fourth Court of Appeals San Antonio, Texas December 7, 2017 No. 04-17-00341-CR Daniel Jeremy TORRES, Appellant v. The STATE of Texas, Appellee From the 226th Judicial District Court, Bexar County, Texas Trial Court No. 2016CR4390A The Honorable Laura Lee Parker, Judge Presiding ORDER Appellant’s second motion for extension of time to file is granted.

We order appellant to file the appellant’s brief by January 5, 2018. Counsel is advised that no further extensions of time will be granted absent a timely motion that (1) demonstrates extraordinary circumstances justifying further delay, (2) advises the court of the efforts counsel has expended in preparing the brief, and (3) provides the court reasonable assurance that the brief will be completed and filed by the requested extended deadline.

The court does not generally consider a heavy work schedule to be an extraordinary circumstance.

_____ Luz Elena D. Chapa, Justice IN WITNESS WHEREOF,
I have hereunto set my hand and affixed the seal of the said court on this 7th day of December,
2017. _____ KEITH E. HOTTLE, Clerk of Court

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