

FOURTH COURT OF APPEALS OF TEXAS, SAN ANTONIO

David Stuart Bishop v. State

Nos. 04-17-00436-CR & 04-17-00437-CR · No. Nos. 04-17-00436-CR & 04-17-00437-CR · Decided July 21, 2017

SUMMARY

The Fourth Court of Appeals of Texas granted extensions of time to file notices of appeal in two related criminal cases. The court retained both appeals, reinstated appellate deadlines, and consolidated the cases for briefing, argument, and disposition while keeping the appellate records separate.

CASE DETAILS

COURT	Fourth Court of Appeals of Texas, San Antonio
WRITING FOR THE COURT	Luz Elena D. Chapa, Justice
JURISDICTION	Texas
DECIDED	July 21, 2017
DOCKET	Nos. 04-17-00436-CR & 04-17-00437-CR
DISPOSITION	other
PROCEDURAL POSTURE	The appellant moved for extensions of time to file notices of appeal in two criminal cases and for related appellate docket management.
PRECEDENTIAL VALUE	published
PARTIES	David Stuart Bishop v. The State of Texas

TOPICS

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

PRACTICE AREAS

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

QUESTIONS PRESENTED

1. Whether to grant extensions of time to file the notices of appeal in both appellate cases.
2. Whether to retain the appeals on the docket, reinstate appellate deadlines, and consolidate the two appeals for briefing, argument, judgment, opinion, and mandate.

FACTUAL BACKGROUND

The opinion concerns two criminal appeals brought by David Stuart Bishop from proceedings in the 144th Judicial District Court of Bexar County. Bishop sought extensions of time to file notices of appeal in both matters. The Fourth Court of Appeals granted the extensions and consolidated the appeals for efficient administration while preserving separate records.

PROCEDURAL HISTORY

The appeals arose from two cases in the 144th Judicial District Court of Bexar County, Texas. The court granted extensions of time to file the notices of appeal, retained both appeals on its docket, reinstated the appellate deadlines, and consolidated the appeals for briefing, argument, judgment, opinion, and mandate while keeping the records separate.

DISPOSITION

other

OPINION

PER CURIAM.

Fourth Court of Appeals San Antonio, Texas July 21, 2017 No. 04-17-00436-CR & 04-17-00437-CR David Stuart BISHOP, Appellant v. The STATE of Texas, Appellee From the 144th Judicial District Court, Bexar County, Texas Trial Court No. 2015CR3325 & 2015CR3326 Laura Lee Parker, Judge Presiding ORDER We grant the motion for extension of time to file the notice of appeal in appeal number 04-17-00436-CR.

We grant the motion for extension of time to file the notice of appeal in appeal number 04-17-00437-CR. We order appeal numbers 04-17-00436-CR and 04-17- 00437–CR retained on the docket of this court and we reinstate the appellate deadlines.

In the interest of the efficient administration of the court’s docket, we order appeal numbers 04-17-00436-CR and 04-17-00437–CR consolidated. The parties must file motions, briefs, and other pleadings as if the appeals were one but put both appeal numbers in the style of the case.

The cases must be argued together in one brief, as in a single appeal, and if oral argument is requested and granted, the entire case must be argued as a single appeal, with the total time limit for each party equal to the ordinary time limit for a party in a single appeal.

However, a record must be filed in each appeal, the record in each case will remain separate and, if supplementation of the record becomes necessary, the supplemental material must be filed in the appeal to which it applies.

The court will dispose of both appeals in the same judgment, opinion, and mandate.

_____ Luz Elena D. Chapa, Justice IN WITNESS WHEREOF,
I have hereunto set my hand and affixed the seal of the said court on this 21st day of July, 2017.

_____ Luz Estrada Chief Deputy Clerk