

FOURTH COURT OF APPEALS OF TEXAS

Ex Parte Juan Hernandez

Nos. 04-20-00395-CR & 04-20-00397-CR (Tex. App.—San Antonio Sept. 29, 2020) · No. 04-20-00395-CR & 04-20-00397-CR · Decided September 29, 2020

SUMMARY

The Fourth Court of Appeals of Texas granted the appellant's unopposed motion to consolidate two criminal appeals for briefing and argument. The court also granted an extension of time, ordering the appellant's brief due October 12, 2020, while directing that the appellate records remain separate.

CASE DETAILS

COURT	Fourth Court of Appeals of Texas
WRITING FOR THE COURT	Rebeca C. Martinez
JURISDICTION	Texas
DECIDED	September 29, 2020
DOCKET	04-20-00395-CR & 04-20-00397-CR
DISPOSITION	other
PROCEDURAL POSTURE	Appellant moved to consolidate two related criminal appeals and moved to extend the deadline for filing appellant's brief. The court granted both motions.
PRECEDENTIAL VALUE	Published
PARTIES	Juan Hernandez

TOPICS

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

PRACTICE AREAS

[appellate procedure](#)[criminal procedure](#)[post-conviction relief](#)

QUESTIONS PRESENTED

1. Whether the two related appeals should be consolidated for briefing and argument.
2. Whether appellant should receive an extension of time to file appellant's brief.

HOLDINGS

1. The two appeals were consolidated for briefing and argument because of their similarities, while their records remained separate.
2. Appellant's motion for an extension of time was granted, and appellant's brief was due on or before October 12, 2020.

KEY QUOTATIONS

“Due to the similarities between the two cases, this court has determined that the two cases should be consolidated for briefing and argument.”

“The court will dispose of the entire case with the same judgment, opinion, and mandate.”

FACTUAL BACKGROUND

The two appeals involved sufficiently similar matters that the Fourth Court of Appeals determined they should be consolidated for briefing and argument. The records were to remain separate, but the cases were to be argued and disposed of together. The court also considered appellant's request for additional time to file the opening brief.

PROCEDURAL HISTORY

The matters originated in the County Court at Law No. 13 of Bexar County, Texas, under trial court cause numbers 641471 and 641472. On September 28, 2020, appellant filed an unopposed motion to consolidate the two appeals, and on September 17, 2020, appellant moved to extend the briefing deadline. The Fourth Court of Appeals granted both motions in its September 29, 2020 order.

DISPOSITION

other

OPINION

PER CURIAM.

FILE COPY COURT OF APPEALS SANDEE BRYAN MARION FOURTH COURT OF APPEALS DISTRICT MICHAEL A. CRUZ, CHIEF JUSTICE CADENA-REEVES JUSTICE CENTER CLERK OF COURT REBECA C. MARTINEZ 300 DOLOROSA, SUITE 3200 PATRICIA O. ALVAREZ SAN ANTONIO, TEXAS 78205-3037 LUZ ELENA D. CHAPA WWW.TXCOURTS.GOV/4THCOA.ASPX TELEPHONE IRENE RIOS (210) 335-2635 BETH WATKINS LIZA A. RODRIGUEZ FACSIMILE NO. JUSTICES (210) 335-2762 September 29, 2020 Joe D. Gonzales Dean A. Diachin Bexar County District Attorney Assistant Public Defender 101 W. Nueva St., Suite 370 101 W. Nueva, Suite 310 San Antonio, TX 78205 San Antonio, TX 78205 * DELIVERED VIA E-MAIL * * DELIVERED VIA E-MAIL * RE: Court of Appeals

Number: 04-20-00395-CR & 04-20-00397-CR Trial Court Case Number: 641471 & 641472 Style: Ex Parte Juan Hernandez Enclosed please find the order which the Honorable Court of Appeals has issued in reference to the above styled and numbered cause.

If you should have any questions, please do not hesitate to contact me. Very truly yours, Michael A. Cruz, Clerk of Court _____ Monica Rivera Deputy Clerk, Ext. 53855 cc: Dianne Garcia-Marquez (DELIVERED VIA E-MAIL) Jeremy Best (DELIVERED VIA E-MAIL) Michael Lee Young (DELIVERED VIA E-MAIL) FILE COPY Fourth Court of Appeals San Antonio, Texas September 29, 2020 No. 04-20-00395-CR & 04-20-00397-CR EX PARTE JUAN HERNANDEZ From the County Court at Law No. 13, Bexar County, Texas Trial Court No. 641471 & 641472 Honorable Rosie S. Gonzalez, Judge Presiding ORDER On September 28, 2020, appellant filed an unopposed motion to consolidate appeal numbers 04-20-395-CR and 04-20-397-CR.

Due to the similarities between the two cases, this court has determined that the two cases should be consolidated for briefing and argument. It is therefore ORDERED that the motion to consolidate is GRANTED. The parties shall file all motions, briefs, and other documents as if the two appeals were one case, but shall include both appeal numbers with the style of the case.

See TEX. R. APP. P. 9.3(a). The records for the two appeals shall remain separated. If the court hears oral argument in these appeal numbers, both cases shall be argued together, as a single appeal, and the total time limit for each side at oral argument shall equal the ordinary time limit for a single appeal.

The court will dispose of the entire case with the same judgment, opinion, and mandate. On September 17, 2020, appellant filed a motion to extend the time to file appellant's brief in these appeals. The motion is GRANTED, and it is ORDERED that appellant's brief is due on or before October 12, 2020. _____ Rebeca C. Martinez, Justice IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of the said court on this 29th day of September, 2020. _____ MICHAEL A. CRUZ, Clerk of Court